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PROPERTY & EVIDENCE MANAGEMENT GUIDE



CALIFORNIA COMMISSION ON POST



POST

LAW ENFORCEMENT

Property & Evidence Management Guide



Second Edition 2005

LAW ENFORCEMENT PROPERTY & EVIDENCE MANAGEMENT GUIDE

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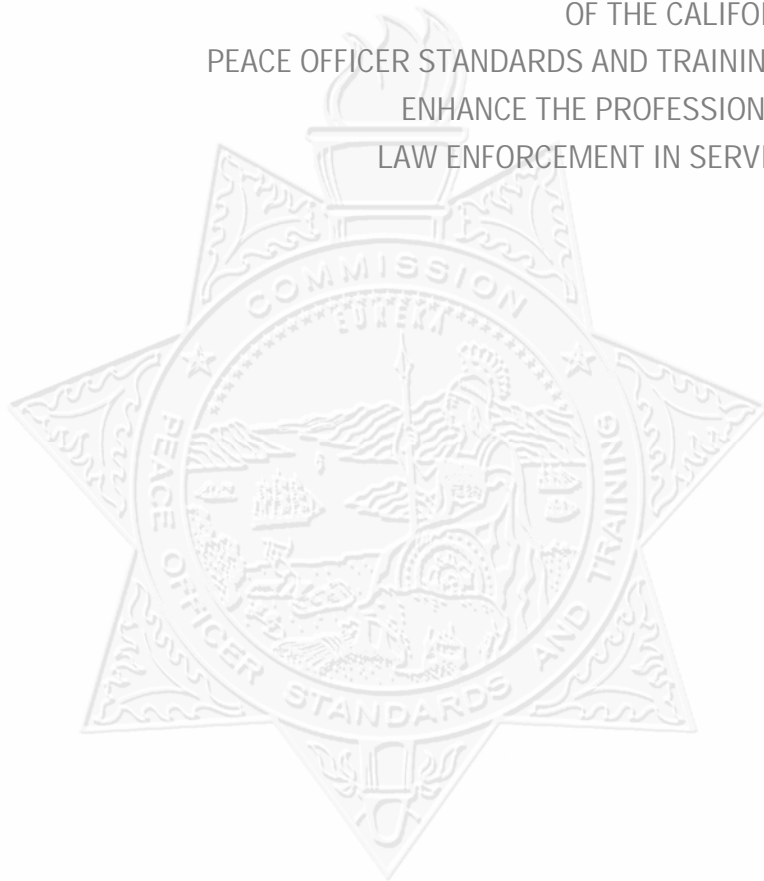
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Foreword

The law enforcement property and evidence function is a critical element of the criminal justice system. During the past decade, the management of the property and evidence function has become more complex due to legislative mandates and the increasing number of hazardous materials that are processed through the system. It is essential that field officers and supervisors focus more on the critical role of the entire property and evidence process. Also, it is imperative that executives budget sufficient staff and resources, and that employee safety procedures are implemented.

The purpose of this property and evidence management guide is to provide standardized guidelines for the management of the property and evidence system and the processing of property and evidence. Proper management and procedures help to ensure the integrity of the property process, protect the evidentiary value of property, and restore property to its owners in a timely manner. The failure to manage the property and evidence system correctly can affect the prosecution of criminal violators, resulting in embarrassment and financial loss to the agency, and lead to a loss of public confidence in the agency.

We believe this manual will be helpful in managing the property and evidence function and will help property/evidence officers, field officers, supervisors, and executives understand the critical role of the property and evidence function in an agency, the criminal justice system, and the community.

The Commission appreciates the contributions of an ad-hoc advisory committee of property/ evidence managers from local agencies throughout California.

Questions or comments concerning this guide should be directed to the Management Counseling Services Bureau at (916) 227-4800.

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Contents

Foreword	i
<i>Acknowledgments</i>	<i>iii</i>
<i>About the Guide</i>	<i>xiii</i>
1. ORGANIZATIONAL CONSIDERATIONS	1-1
THE PROPERTY / EVIDENCE CONTROLLER	1-1
BUDGET	1-2
POLICY & GENERAL ORDERS	1-2
HOURS OF OPERATION	1-3
ORGANIZATIONAL PLACEMENT & STAFFING	1-3
TRAINING	1-3
2. DOCUMENTATION	2-1
REQUIRED FORMS & INFORMATION	2-1
• Required by Law	2-1
• Chain of Custody	2-2
• Evidence Tags / Envelopes	2-3
• Found Property Forms	2-3
• Request for Prints / Investigations	2-3
• Property Release Authorization	2-4
• Inter-agency Forms	2-4
FORMS CONTROL	2-4
• Budget	2-4
• Recommended Forms	2-4
• Annual Review	2-5
3. STORAGE FACILITIES	3-1
ALTERNATIVES	3-6
TYPICAL STORAGE OPTIONS	3-6
• Property for Safekeeping	3-6

Contents *(continued)*

• Found Property.....	3-6
• Special Security Needs	3-7
• Special Hazard Needs.....	3-7
• Special Physical Needs.....	3-7
TEMPORARY EVIDENCE LOCKERS	3-8
MOBILE FILING SHELVES (HIGH DENSITY)	3-11
ALARMS, ACCESS, & SECURITY.....	3-11
• Key Control.....	3-14
• Alarms	3-15
4. PROPERTY & EVIDENCE HANDLING PROCEDURES	4-1
RECEIVING	4-1
• General Recommendations.....	4-2
• Special Considerations / Recommendations	4-3
• Audio/Video Tapes & Computer Disks	4-3
• Biohazardous Materials.....	4-3
• Computers.....	4-4
• Currency.....	4-4
• Explosives / Fireworks.....	4-4
• Firearms	4-4
• Flammables / Hazardous Materials.....	4-5
• Knives / Swords.....	4-5
• Narcotics.....	4-5
• Physiological Fluids / Sexual Assault Evidence	4-5
• Syringes / Sharps	4-5
• Valuables/Jewelry	4-5
5. AUDITS & INVENTORIES	5-1
AUDITS.....	5-1
PURPOSE OF THE AUDIT	5-2
WHEN TO AUDIT	5-2
TYPES OF AUDITS.....	5-3
INVENTORIES.....	5-4
SPECIAL CONSIDERATIONS	5-4

6. PROPERTY DISPOSITION/PURGING	6-1
DISPOSITION	6-1
• Methods of Disposal	6-3
• Disposal of Serialized Property	6-4
• Authority to Sell / Auction Property	6-4
AMMUNITION / FIREWORKS / EXPLOSIVES/ FLAMMABLES	6-5
BIOHAZARDOUS MATERIALS	6-5
CONTROLLED SUBSTANCES & PARAPHERNALIA	6-6
• Narcotics Obtained by Search Warrant	6-6
• Exceptions to the Court Order Requirement	6-8
• Destruction of Large Amounts of PCP	6-8
• Large Amounts Confiscated	6-8
• Hazardous Chemicals	6-9
• Packaging & Preparation for Disposal	6-10
• Method of Destruction	6-10
• Hazardous Waste/ Clandestine Lab Disposal Procedures	6-11
EVIDENCE	6-12
• Type of Authorization for Release / Destruction of Evidence	6-12
• Statute of Limitations – Adjudicated Cases	6-13
• Statute of Limitations – Open Cases	6-13
• Cases with Special Circumstances	6-14
• Cases Involving Search Warrants	6-14
• Items Entered as Exhibits by the Court	6-14
FOUND PROPERTY	6-14
• Returning to Owner	6-14
• Returning to Finder	6-15
• Adoption of Local Regulations	6-15
• Abandoned Property	6-15
MONEY & VALUABLES	6-16
• Money	6-16
• Valuables	6-1

Contents *(continued)*

	PRISONER PROPERTY	6-16
	• Agency Responsibilities	6-16
	PROPERTY FOR DESTRUCTION	6-17
	• Suggested Methods of Destruction	6-17
	PROPERTY FOR SAFEKEEPING	6-18
	• Agency Responsibilities	6-18
	WEAPONS	6-19
	• Releasing to Individual	6-19
	• Weapons to be Destroyed	6-19
	• Methods of Disposal	6-19
	• Assault Weapons	6-19
	• Safekeeping	6-21
	• Turned in for Destruction	6-22
	• Evidence	6-22
	• Weapons Retained for Departmental Use	6-22
	• Auction	6-22
7.	LEGAL & REGULATORY ISSUES	7-1
	CALIFORNIA CODE REFERENCES	7-1
	• Abandoned Property	7-2
	• Advertisement	7-2
	• Affidavit	7-2
	• Ammunition	7-2
	• Appeals	7-2
	• Auction	7-2
	• Bicycles	7-2
	• Contraband	7-3
	• Controlled Substances	7-4
	• Costs	7-4
	• Counterfeiting	7-5
	• Court	7-5
	• Currency & Valuables	7-5
	• Declaration of Ownership	7-5
	• Destruction	7-5
	• Discovery	7-6

• Disposition	7-6
• Diversion/Delivery	7-7
• DNA Evidence	7-7
• Domestic Violence	7-7
• Embezzled Property	7-8
• Evidence	7-8
• Explosives	7-8
• Firearms	7-8
• Found Property	7-8
• Gambling Devices	7-8
• Hearings	7-9
• Identification Numbers	7-9
• Inventory	7-9
• Liens	7-9
• Lottery Devices	7-9
• Mental Health	7-10
• Money	7-10
• Notices	7-10
• Nuisances	7-11
• Obscene Materials	7-11
• Payment	7-11
• Photographs	7-11
• Records, Forms, Reports	7-12
• Regulations	7-12
• Release	7-12
• Reports	7-12
• Retention for Official Use	7-13
• Return & Release	7-13
• Safekeeping	7-13
• Sale	7-14
• Stolen or Embezzled Property	7-14
• Storage	7-15

Contents *(continued)*

• Time Requirement	7-15
• Toys/Bicycles	7-16
• Unclaimed Property	7-16
• Vehicles	7-17
• Video/Digital Media	7-17
• Weapons	7-18
LOCAL ORDINANCES	7-19
• Medical Waste Management Act 1990	7-19
AGENCY POLICIES	7-20
• Photo & Release	7-22
TRENDS	7-22
8. AUTOMATION	8-1
AUTOMATION OF PROPERTY & EVIDENCE	8-1
PRECAUTIONS	8-2
COMPUTER SECURITY	8-2
REPORTING CAPABILITIES	8-3
BAR CODING	8-4
MODEL SYSTEM	8-4
APPENDICES	
A. GLOSSARY OF TERMS	A-1
B. SAMPLE FORMS	B-1
C. POSTCONVICTION DNA TESTING	web link
LIST OF FIGURES	xi

Figures

1.1	Organizational Structure	1-4
3.1	Sample Property & Evidence Room Layout.....	3-4
3.2	Lockers.....	3-9
3.3	Mesh Gate	3-10
3.4	Temporary Refrigerator / Freezer Storage	3-10
3.5	Mobile Filing Shelves	3-12
3.6	Dutch Door	3-13
3.7	Locking Devices	3-14
6.1	Statute of Limitations on Storage Requirements.....	6-2
6.2	Sample Court Order	6-7
6.3	Sample Agency Response List	6-11
6.4	Sample Weapons Destruction Certification / Exhibit List	6-20
6.5A	Sample Certificate of Weapon Retention	6-23
6.5B	Sample Attachment to Certificate.....	6-24

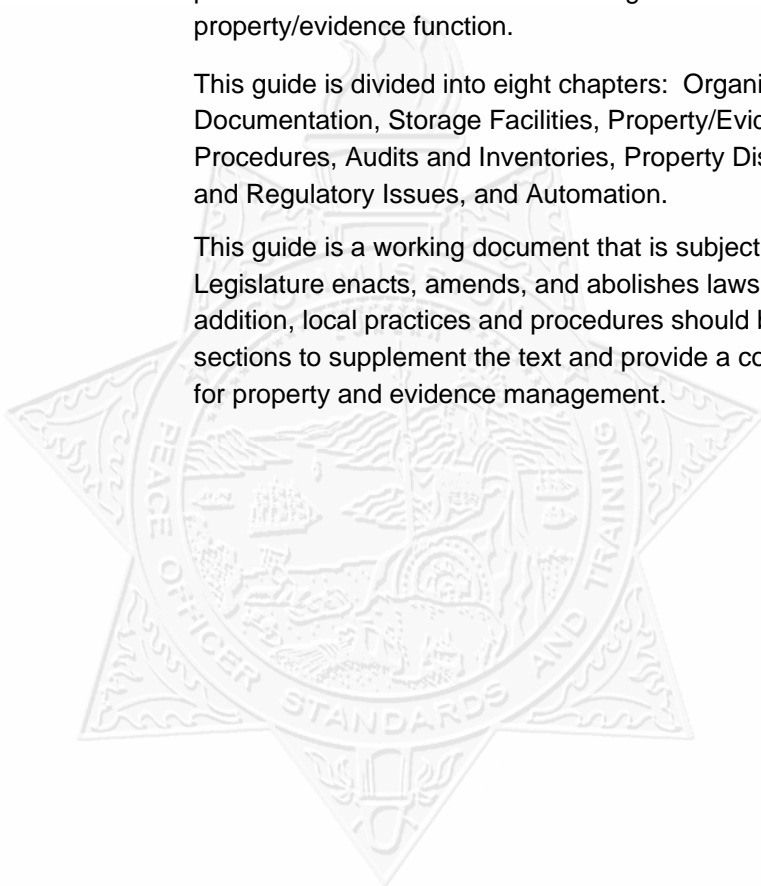


About the Guide

The *Law Enforcement Property & Evidence Management Guide* is designed to assist law enforcement property/evidence controllers in the performance of daily activities. The guide focuses on processes and procedures for all law enforcement agencies in managing the property/evidence function.

This guide is divided into eight chapters: Organizational Considerations, Documentation, Storage Facilities, Property/Evidence Handling Procedures, Audits and Inventories, Property Disposition/Purging, Legal and Regulatory Issues, and Automation.

This guide is a working document that is subject to change. As the Legislature enacts, amends, and abolishes laws, changes must occur. In addition, local practices and procedures should be added to appropriate sections to supplement the text and provide a comprehensive reference for property and evidence management.





POST

1

Organizational Considerations

THE PROPERTY/EVIDENCE CONTROLLER

The property/evidence controller (also referred to as: property officer, property clerk, property technician, evidence technician, property supervisor/manager, etc.) is responsible for maintaining security and control in the property/evidence facility. This includes reception, storage, safekeeping, court exhibits, discovery, prosecution/defense evidence viewing, release, and disposal of property and evidence.

The property/evidence controller should pass an extensive background investigation before employment, possess some background or experience in warehousing, and have good interpersonal skills necessary for frequent contact with the public. The property/evidence controller should have excellent organizational skills and be able to prioritize work assignments, have a valid driver's license, be able to operate a computer and various software applications, have good oral and writing skills, and be able to maintain a good working relationship with a variety of individuals and organizations. The property/evidence controller should be able to understand the Penal Code, Government Code, Civil Code, Health & Safety Code and any other codes that apply to evidence and the property function, and should stay abreast of the current laws and regulations in this field.

Over the years in California, the property/evidence room staff has progressed from sworn officers to civilian professionals. Some agencies have created career positions, while others assign Community Service Officers to perform property and evidence duties. Many property/evidence sections in the Midwest and on the East Coast use primarily sworn positions; however, these agencies are slowly shifting to

civilian professionals. This change allows departments to place the sworn employees into the field, and more importantly, civilian employees assigned to property/evidence are not rotated in and out of that section every couple of years. It is recommended, whenever possible, to limit the rotation of personnel through the property room. Some of the reasons for this recommendation are: security concerns, consistency, training/knowledge, and constant changes in the law.

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The property/evidence controller must ensure the integrity of property and evidence by maintaining an accurate chain of custody; securing property and evidence from theft, loss, or contamination; and being able to determine the location of all items in a timely manner.

BUDGET

The property/evidence section should have its own budget, which should be reviewed annually.

**POLICY &
GENERAL ORDERS**

Agencies should establish general orders and procedural guidelines which follow legal statutes, historical precedents, and common practice to ensure consistent practice in the receipt, storage, and release of property and evidence. Agency policy and general orders should also address relevant OSHA and ADA considerations.

Agencies should also establish procedures to be followed in the event of an emergency or disaster that may occur in their jurisdiction. Public safety agencies must be prepared to take care of the needs of the people in the community and their own employees, and to continue regular police services, including the operation of the property/evidence system.

Refer to [Chapter 7](#) for issues and concerns where no statutory guidance exists.

1. Organizational Considerations

HOURS OF OPERATION

Generally speaking, the property/evidence facility should be open during normal business hours. Consideration may be given, however, to allocating time at the beginning of the day, before the property/evidence room is open to the public, for processing property and evidence previously submitted; and time for preparing evidence needed by officers for court/investigation or for property disposition. Some agencies may also benefit from closing their property room one day a week, allowing property room personnel time to complete necessary tasks/projects.

Some agencies may release property by appointment only. For the benefit of the public, agencies might also consider a flexible schedule for the release of property.

**ORGANIZATIONAL
PLACEMENT & STAFFING**

The size of the agency ordinarily influences the organizational placement and staffing of its property/evidence function. There are sound reasons for placing the property/evidence function outside the operations bureau, division, or section (e.g., support services or records) and staffing it with civilian professional employees and supervisors. POST normally recommends that the property/evidence function be placed in the support services or administrative division.

Centralizing all property and evidence storage functions and placing them outside the operations division provide the necessary checks and balances that will simplify control procedures and enhance the integrity of the property and evidence system.

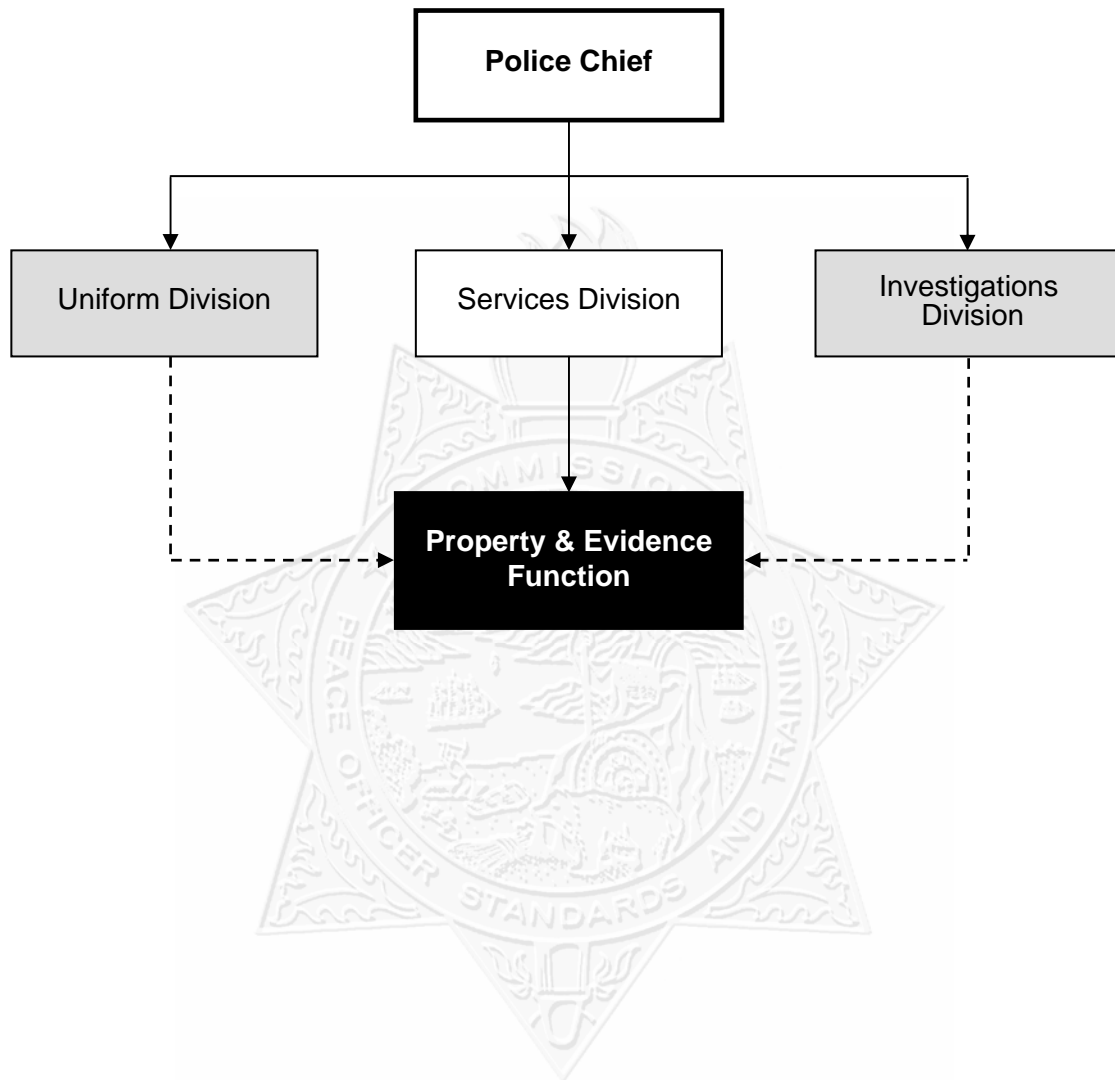
TRAINING

POST certifies a Property Management course which is designed to provide a legal basis and a framework of a system for managing property and evidence in law enforcement agencies. Other property/evidence management courses and seminars may also be available.

New property/evidence controllers should receive on-the-job training with experienced property/evidence controllers, either at their own facility or at another agency. Participation in professional organizations such as the California Association for Property and Evidence, Inc. (CAPE) and the International Association for Property and Evidence, Inc. (IAPE) would be beneficial. POST encourages agencies to allow their property personnel, supervisors, and managers to attend continuing education courses and training presented at conferences as available.

POST also encourages networking with regional and county agencies to make consistent inter-agency policies, forms, and procedures, and to facilitate communication among local police agencies, district attorney offices, crime labs, courts, county coroner offices, and probation departments, and ensure court compliance.

Fig. 1.1

ORGANIZATIONAL STRUCTURE

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2.

Documentation

REQUIRED FORMS & INFORMATION

*Sample forms are located
in [Appendix B](#)*

Required by Law

Property and evidence taken into custody by a department employee during the course of employment must be documented. Department policy should require information for completion of a property/evidence record to include:

- Reference number(s) (e.g., report number/case number/DR number, etc.) and/or control number
- Item number
- Classification (211 PC, 459 PC, etc.)
- Date/time collected/submitted
- Reporting officer/employee
- Submitting officer/employee
- Involved party's name
- Designated relationship (e.g., suspect/victim/owner/finder)
- Type of property/evidence (recovered, found, safekeeping, seized by search warrant)
- Special instructions (e.g., hold for prints, lab, biohazard, etc.)
- Description of item
- Location where property/evidence was found and by whom

The form should also include a “chain of custody,” initiated by the officer/employee taking initial possession of the property/ evidence and subsequently completed by all personnel taking possession of the property/evidence until disposition.

A receipt must be furnished to the person from whom the property and/or evidence was taken. Statutes that may apply include:

- 1412 PC – Property taken from an arrestee
- 1413 PC – Declaration of ownership for the person claiming to be the owner of stolen or embezzled property at the time it was stolen or embezzled
- 1535 PC – Property seized pursuant to a search warrant
- 12028.5 PC – Firearms/deadly weapons taken for safekeeping
- 2080.10 CC – Safekeeping of property
- 6389 FC – Court surrender receipt (weapon)
- 8102 WI and 8103 WI – Temporary custody of any firearm/ deadly weapon seized under the provisions of 5150 WI

An affidavit must be completed for found property. (Refer to Section 2080.1 CC.)

Chain of Custody

Once property or evidence is received by the property/evidence section, the chain of custody must be documented to monitor all movement of any items for temporary or permanent release.

Department policy should specify who may withdraw property/evidence and for what reasons. Employees requesting property or evidence for court or other reasons should make their request in writing or via computer. Requests should be made approximately one day in advance of the date needed.

Any property or evidence released to an officer or other authorized employee should be signed for by the employee and property/evidence section releaser. It is recommended that a property/evidence transfer form accompany the employee and property/evidence to its destination. The form should indicate the date, report number, to whom property/ evidence is released, intended destination (e.g., district attorney, court, lab, etc.), item number, and a brief description. It is recommended this be a duplicate form; the employee should take the original while a copy is retained in a “tickler file” by the property/evidence section.

Should the property or evidence be retained at its destination (e.g., court, lab, district attorney, etc.), the person receiving the property or evidence should sign and date the property/evidence transfer form, which should then be returned to the property/evidence section by the department employee who requested its release. The signed form should then be included with the original property/evidence report.

A supplemental chain of custody form should follow evidence outside the control of the property/evidence controller for the purpose of tracking evidence to court, lab, etc.

Original paperwork should always remain in the custody of the agency.

Evidence Tags/Envelopes

An envelope, tag, or label should be affixed to any property or evidence submitted to the property/evidence section and should correspond with the item number listed on the property/evidence record. The property or evidence should be identified by an item and/or control number. The envelope, tag, or label should contain the report number, item number, date, reporting officer/employee name, classification/charge, and type of property or evidence (e.g., recovered, safekeeping, found, under observation, or booked for destruction).

Found Property Forms

Whenever a person saves or finds property that is valued at \$100 or more, the property shall be turned over to a sheriff's or police department .(Refer to Section [2080 CC.](#))

The finder is required to provide an affidavit stating from what and how the property was saved and whether the owner of the property is known to the finder, and to provide a statement that the finder has not secreted, withheld, or disposed of any part of the property. This form should be provided to the finder by any officer or employee who writes a found property report when someone other than the officer or employee found the property.

Refer to [Chapter 6](#), Property Disposition/Purging, for more information on found property.

Request for Prints/ Investigations

It is recommended that any request for lab work, print analysis, follow-up investigation, etc., be made either in writing or via computer form. This will serve as documentation of the employee's request and can be retained as part of the permanent record.

Property Release Authorization

Release of property should be done in accordance with statutes as well as department policy and procedure. While some agencies' property/evidence sections have the authority or responsibility to determine the disposition of property, other agencies may require the investigating officer to make that determination. The case officer may give disposition information via computer or in writing. Any authorization via computer should be printed and attached to the property/evidence report.

Property owners should be required to sign a release form when claiming property.

Inter-agency Forms

Agencies may utilize services such as the California Department of Justice, county, or private labs for their analysis requests. Other departments, such as the district attorney, may request follow-up for additional information on an investigation. These requests should be in writing and may involve use of their inter-agency forms. Copies should be retained as part of the case history or chain of evidence.

FORMS CONTROL

Budget

Agencies should keep an ample supply of forms in stock at all times. If possible, a minimum supply of one year should be retained as ordering too often increases set-up costs. Be aware, however, that an overstock of rarely used forms may become obsolete before they are used.

Recommended Forms

Comment Section – A comment section can be attached to the property/evidence record to document activity that transpires (e.g., call from claimant, special instructions from investigators or the district attorney's office, release instructions, etc.).

Letters/Cards – A variety of notifications may be used for different types of release situations. The appropriate form letter can provide the necessary information for each condition.

Property/Evidence Report and Field Receipt – Release information should be placed on the back of the property/evidence report and field receipt. In many cases, this serves as notification for release, allowing property to be released or disposed of in a timely manner. All pertinent information should be included for each circumstance.

Right of Refusal – When property or evidence is booked incorrectly, the officer (through the chain of command) should be sent a booking correction form detailing the problems and corrections to be made. The

2. Documentation

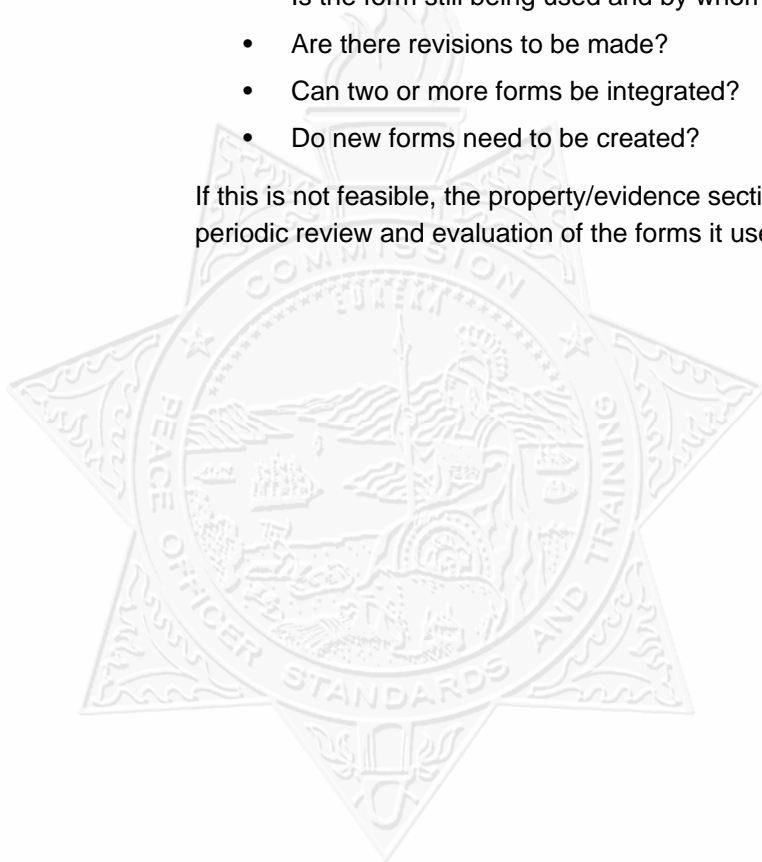
officer is then responsible for reporting to the property/evidence section and making the corrections.

Annual Review

To ensure that forms are current, the department should establish a committee to review its property/evidence forms and letters. A representative from every section that uses a particular form should participate in the review process. Considerations include:

- Is the form still being used and by whom?
- Are there revisions to be made?
- Can two or more forms be integrated?
- Do new forms need to be created?

If this is not feasible, the property/evidence section should conduct a periodic review and evaluation of the forms it uses.





POST

3

Storage Facilities

DESIGN & LAYOUT

The type of material used in the construction of the property/ evidence room is vital, as the room must be secure from unauthorized entry. The building materials should ideally consist of concrete blocks with filled cells or similar material. In addition to the walls, the floor and ceiling must be impervious to intrusion. In constructing the interior and exterior walls, the outside elements must be taken into account. It is best to avoid drywall as it can be easily penetrated. In the event drywall is used, it should be backed with plywood or a double layer of drywall. The walls need to extend from the floor to a solid overhead. Never leave space for entry which may be achieved by removing a T-bar ceiling section and climbing over walls. The room, if possible, should be designed without windows. Heating, air conditioning and ventilation system duct registers must be constructed to prevent entry.

One of the most important aspects in the design is the need to closely control certain items, such as firearms, narcotics, currency, and jewelry. Such items of property, by their very nature, require extra protection, security, and handling precautions. These items should be segregated from other property. Agencies may set their own guidelines to determine the degree of extra security required.

An ideal option is to have available separate, locked and alarmed room(s) or vault(s) contained totally within the property room. Further access restrictions to certain areas also enhance security. It is not necessary, however, for each type of item to have its own separate, secure area.

Extreme caution should be used in the handling, storage, and maintenance of high-profile items (e.g., narcotics, biological materials, firearms, and currency or other valuables). Guidelines include:

- Vaults should be constructed of impervious concrete or block walls.
- Locking mechanisms can be designed so two persons are needed for entry.
- Vaults should be independently alarmed and separately keyed.
- The alarm system should consist of an intrusion alarm with door contacts and motion sensors.
- Storage should be consistent with the overall property room location and scheme.

The size, design, and layout of the property room is dependant on the size of the agency and the type and volume of property to be stored. Larger agencies often opt for a supply service function and a fully staffed evidence control area. It is, however, important to remember that departmental materials and supplies should never be co-mingled with property and evidence or be stored in the property/evidence room.

Most agencies design the property control function to be located in one room or center. All departmental property control tasks can be centered in this one area of the building. The room itself should be segmented into secure areas for evidence and found or recovered property in addition to the areas set aside for guns, money, and narcotics (which should never be co-mingled with other evidence).

The property room should be located in a convenient place within the department. A basement area is acceptable as long as access to the parking lot for loading/unloading is available. Many agencies have found that placing the evidence room adjacent to an area set aside for report writing is most beneficial. In this configuration, pass-through lockers can be used by officers to pass evidence into the property room upon completion of their reports. The room should also have a secure service counter for the public. Within the designed system, there should be a duress alarm and a video surveillance camera system.

Some agencies use satellite or off-site locations for the storage of property and evidence. This can cause security problems, increase transportation and employee costs, and make property/evidence pick-up and return difficult. Satellite or remote locations should have the highest level of security possible. It is generally desirable to keep the property and evidence facility within the agency's building and/or grounds.

3. Storage Facilities

A well-designed property/evidence room will provide office space outside the actual storage area. Having the office adjacent to the storage area provides a work environment without compromising the items under its control (see [Figure 3-1](#), Sample Property/Evidence Room Layout).

Regardless of the department size, certain minimum standards should be included in the design and layout of the property/evidence room.

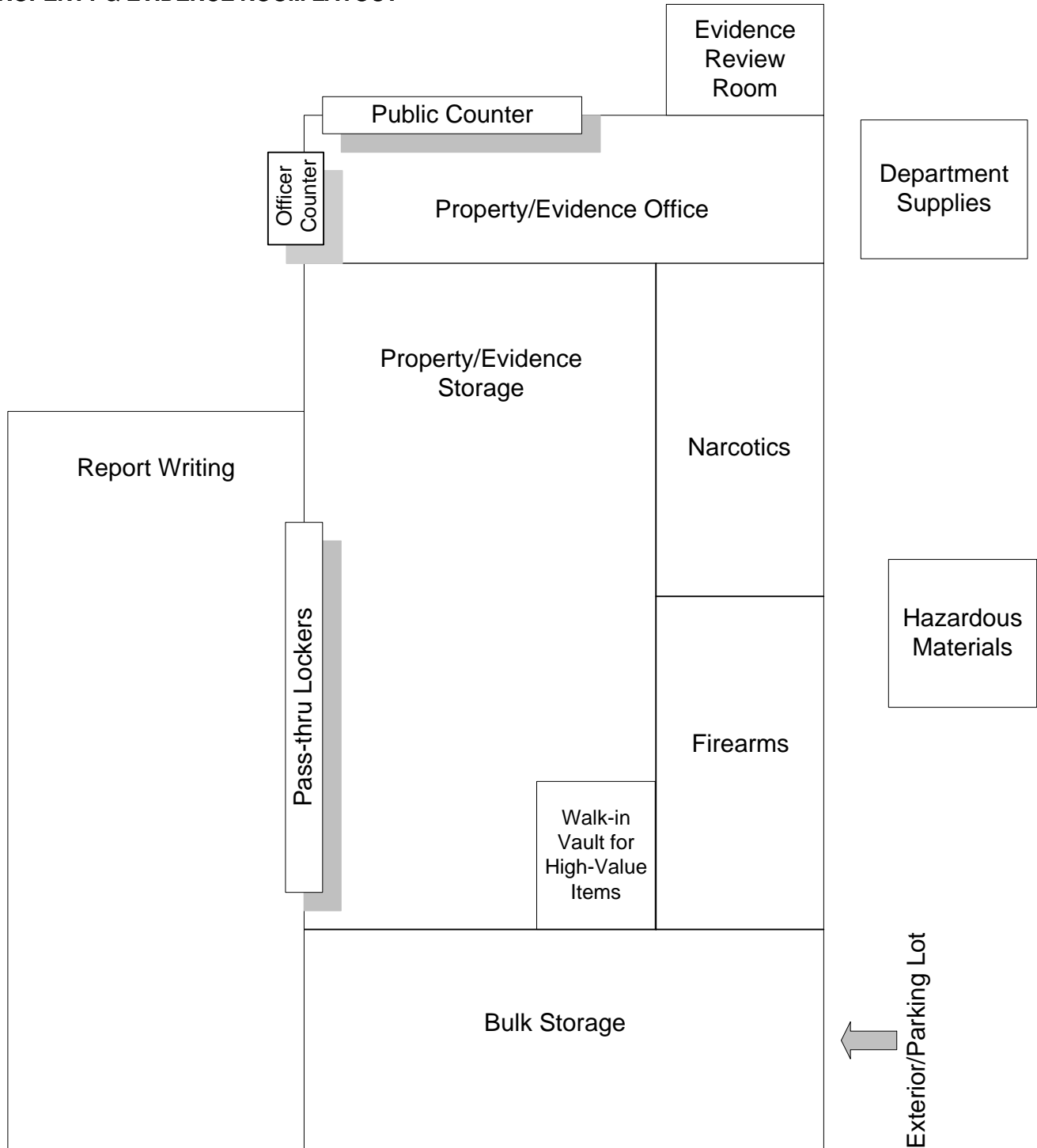
- The property/evidence office should be adjacent to the property/evidence room whenever possible, and not within the confines of the storage area. This allows transactions to occur within the office and minimizes access to the actual storage area.
- Narcotics should be stored in a separate room or vault within the property/evidence storage area equipped with proper ventilation as mandated by [Section 66261.4 CCR](#). Negative pressure ventilation with separate ducting to the outside is highly recommended.
- Firearms should be stored in a separate room or vault within the property/evidence storage area.
- Hazardous materials should be stored in a secure, properly placarded container located outside the property/evidence room.
- Currency and jewelry should be stored in a separate safe or vault within the property/evidence storage area.
- The public and officers should have easy access for release of property and evidence.
- Agencies should consider placing their property/evidence rooms adjacent to report writing areas with pass-through lockers.
- Parking lots should be accessible via a security door for movement of property and evidence.

All property and evidence received should be recorded into the control ledger or computer. There should be sufficient counter space at this intake area for processing evidence to avoid processing evidence in the office area. Loading doors should be on an exterior wall of the building; however, this may pose a security problem. The use of double loading dock doors equipped with an alarm device wired to the communications center is highly recommended. Metal doors should be provided on all property/evidence room exterior and interior corridor doors and should also be alarmed. Metal roll-up doors provide the highest level of security.

Fig. 3.1

SAMPLE

PROPERTY & EVIDENCE ROOM LAYOUT



3. Storage Facilities

Main doors to the property/evidence room should be large enough to allow for the movement of large pieces of equipment into the remainder of the building. A service counter or window should be provided for normal transactions, follow-up investigations and the general public. Whenever possible, a separate window or counter for officers and citizens should be provided. This helps prevent unauthorized entry and prevents citizens from viewing other property/evidence room transactions.

As security is of utmost importance at the public window, bulletproof glass is strongly recommended.

Some consideration should be given to providing an area for the viewing of evidence by the district attorney, defense attorney, investigator, and the public.

The actual size of the property/evidence room is dependent on the size of the agency and the type and volume (and projected volume) of items being secured. Chain link fence or wire mesh from floor to ceiling with a standard chain link type of gate is a simple and effective method of partitioning. Solid walls and doors may provide a higher degree of security and are preferred.

The door to the property/evidence room preferably should be made of metal. It may be a solid core wooden door as a second choice. The hinge pins for the property/evidence room door should be mounted on the inside of the room; when the hinge pins must be mounted toward the outside of the door, they should not be removable. In addition to a door knob key lock, a dead bolt lock should also be installed. Keys should be used, for which duplication is restricted so that additional keys cannot be obtained without authorization.

Inside the secure portion, individual bins, drawers, or shelves should be built to accommodate evidence and other property. Each bin should be numbered or lettered so that stored property and evidence can be readily located. Bins may also be designated by letter and year to assist in the purging of property. A vault located within the secure portion of the property/evidence room allows for storage of highly valuable items and currency. Refrigerators and freezers are necessary for the preservation of certain biological materials. Space should be set aside for auction items, found property, safekeeping, disposal, and narcotics and firearms ready for disposal.

ALTERNATIVES

In addition to the general property/evidence room(s) or facilities, the agency needs to provide secure storage for large items such as vehicles, bicycles, appliances, etc. Special areas and/or procedures should be provided. External areas, such as impound lots, are vulnerable. When determining the degree of security to provide, the agency should weigh the importance of the property or evidence it is placing in these areas and the consequences if the property or evidence is stolen, damaged, or contaminated while in custody.

At least three types of secure storage facilities are routinely used by an agency in the operation of the evidence function. The first type of storage is secure evidence room(s) for the storage of guns, narcotics, and valuable items. The second is a secure evidence room for the storage of flammable materials and large items such as bicycles, furniture, etc. The third area is used to secure all other property and evidence. The separation of homicide evidence is always an excellent procedure because it is infrequently removed from the confines of the property/evidence room.

In addition, an agreement should be made with either another department or a private enterprise (e.g., tow yard or public storage) within the city for the care of certain items that cannot be accommodated in the evidence room, or in the case of disaster or emergency situations.

The physical size of the main property and evidence storage area and secondary storage locations is heavily influenced by the size of the department and the type and volume of property and evidence received. Less space will be required if a systematic disposal program is in place. An agency can maximize the efficiency of property and evidence storage by developing the packaging standard around the shelving and bin configuration, or vice-versa, for increased storage and retrieval.

TYPICAL STORAGE OPTIONS

The layout of a facility can make it much easier or much more difficult to carry out the property and evidence function. The layout has a direct impact on labor costs and efficiency and can help ensure the overall integrity of the system. Storage areas need to be designated and designed for specific purposes. Some of those special needs are:

Property for Safekeeping – Needs quick, open access and close proximity to the public counter area. These items have short storage turnaround time and many are released to their owners prior to the time limit for disposition.

Found Property – Has the same environs as property for safekeeping, but should be kept separate for ease of management.

3. Storage Facilities

Special Security Needs – Firearms, narcotics, currency, and other valuables should each have a special area based on their value and the fact that they are the target of almost all property/evidence room thefts (and attempts).

Special Hazard Needs – Ventilation is a special concern as narcotics, flammable material, and fireworks are often entered as evidence. Each brings with it a special hazard. With the proliferation of differing hazardous materials, it is likely that even more deadly items will be seized in the future. Ventilation for property/evidence should be separate from ventilation used for the rest of the facility. It is suggested these items not be stored in the property room. Contact your local risk management office or fire department for appropriate storage solutions.

Special Physical Needs – Some items require special handling (e.g., refrigeration or freezing), and other items need special treatment based on their shape or bulk (e.g., bicycles, vehicle parts, garden equipment, etc.). Whether through use of special shelving or a grid painted on a large open floor area, these special physical needs must be considered in the layout of a facility.

For potentially dangerous materials such as ammunition, black powder, or explosives, the local fire marshal can be contacted for storage options.

The following should be considered when designing a new facility or revamping an existing system:

- Review the historical record of the types, amounts, and sizes of evidence regularly booked into the property system. For example, some departments find that one-third (quantity, not size) of all evidence may fit into an assortment of different sizes of manila envelopes. Uniformly packaging and storing evidence can greatly reduce space requirements and speed retrieval time. If property and evidence are received in uniform packages, boxes, or containers, the storage area may be designed to hold these particular-sized containers. Obviously, there are significant exceptions, but the design should be based on the majority, with allowances for exceptions.
- Decide on standard packaging options and shelving or container combinations. If existing shelving is fixed, design containers around the shelving sizes. If shelving is adjustable, use containers that are standard sizes and minimize cost by purchasing them in quantity. If three or four standard-sized envelopes are designated, the appropriate containers, drawers, and bins can be designed to store the envelopes in specific shelving locations.

- Consider installing an eye wash sink, hand wash sink, and OSHA-approved shower.
- A blood-drying area should have a hepa-filter system or outside ventilation. Safety, use, and decontamination procedures should be posted. The design should be such that cross-contamination cannot occur. Any area used for biohazard storage must be properly placarded, and the air filtration system should remove all contaminants.

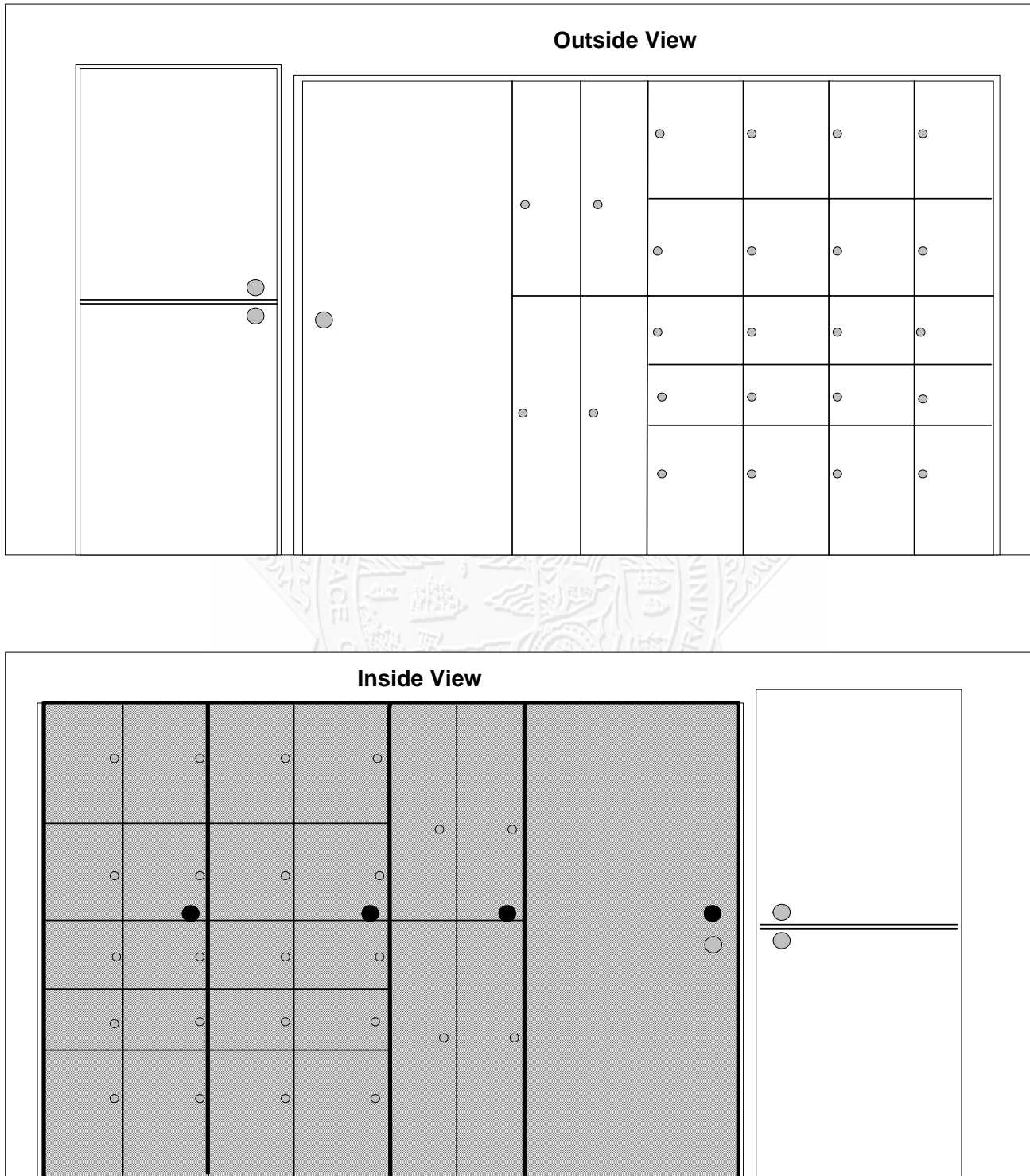
As most agencies do not staff the property/evidence room on a 24-hour basis, other arrangements for temporary storage must be provided. The simplest and probably the most common method of providing complete security is the temporary locker system, which is based on the principle of railway or airport terminal lockers. Under this system, the officer brings the property or evidence to the station, completes the necessary paperwork, places the item(s) in an individual locker after booking, and closes the locker door (self-locking doors are recommended). The impounded property or evidence will then be secure until subsequently transferred to a permanent holding area by property/evidence room staff. When using a key system, keys should not be kept in lockers as they can be removed and duplicated. The use of padlocks should also be discouraged as they can be easily removed and re-keyed by a locksmith. If a padlock is used, it is best to tack weld the lock to the frame of the locker.

TEMPORARY EVIDENCE LOCKERS

The design of lockers should adapt to the types and sizes of property or evidence that is generally seized. Lockers should be of various sizes (see [Figure 3-2](#)). Temporary lockers should be placed in a wall of the main property/evidence room with doors on both sides to facilitate movement of property and evidence into the room. These lockers may be fitted with locks that secure upon closure. A flat metal plate should be welded or attached with security screws to the outside of the door to prevent tampering with the lock. Heavy-expended metal can provide added security for the door backs. Non-removable hinge pins should be used for all doors. These lockers should ideally be self-locking and capable of being opened only from the property/evidence room side. When pass-through lockers are used, larger lockers must not allow sufficient space for personnel to enter the property/ evidence room via the locker. One solution is to use padlocked or dead-bolted heavy mesh gates on the interior (see [Figure 3-3](#)). The interior mesh also allows property/evidence room personnel to view the contents of the locker without opening it.

Consideration should be given to providing secured temporary refrigerator/freezer storage (see [Figure 3-4](#)).

Fig. 3.2
LOCKERS



Four metal frame doors with heavy one inch thick mesh cover.
Locks on inside of each storage locker door.

Fig 3.3
MESH GATE



Fig 3.4
TEMPORARY REFRIGERATOR / FREEZER STORAGE



3. Storage Facilities

A mail drop or bank deposit type of box may also be used on a 24-hour basis. If a type of “drop box” or chute is used for depositing evidence after working hours, the box or chute must be tamper-proof.

Consideration should be given to installing padding material at the bottom of the box to provide a cushion for fragile objects. To avoid breakage by other objects falling on top of fragile items, individual packaging or padded envelopes can be provided for each item of evidence deposited.

Specific keyed lockers may be designated for storing property or evidence for check-out by officers during non-business hours. Upon request, items can be placed inside secured lockers and the key can be controlled by the Watch Commander. Such lockers could also be used to hold improperly documented or packaged items until the submitting officer can make corrections.

**MOBILE
FILING SHELVES***High Density*

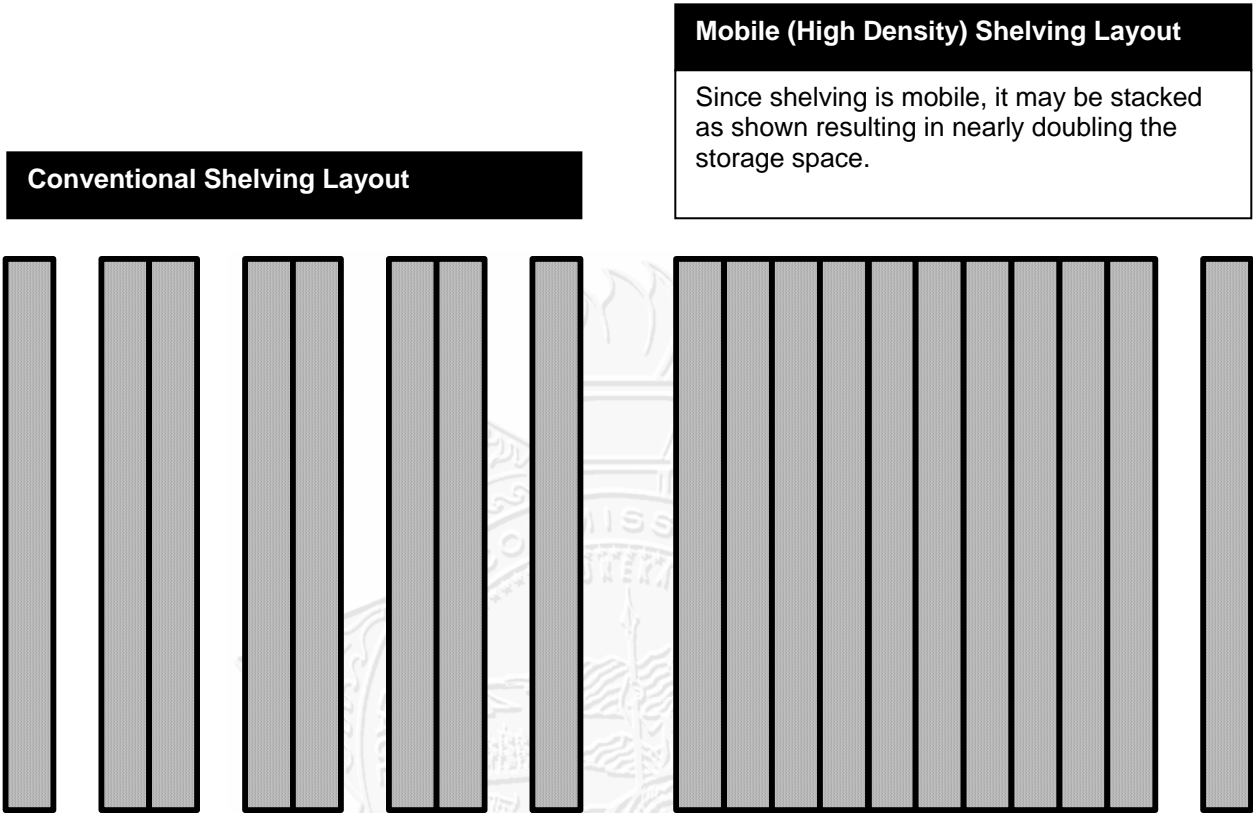
Compared to various methods of storing evidence, mobile filing shelves (see [Figure 3-5](#)) offer the greatest utilization of space, thus reducing the necessary square footage of the storage room. A high-density mobile filing system with adjustable shelving can increase storage capacity by 80 percent and save up to 72 percent of floor space. This is an economical alternative to major renovation or expansion. If mobile shelves (high density) are installed, lighting becomes a critical element as the shelving carriages may move to a location where there is insufficient light. Having the lights perpendicular to the shelves is recommended.

**ALARMS,
ACCESS & SECURITY**

The entry to the property or evidence storage areas must be controlled to ensure the evidentiary value of the items and to prevent the alteration, removal, theft, destruction, or the commission of other activities that might compromise the material.

Ideally, no one should access the property/evidence room other than property/evidence room personnel. Occasions may arise when access to the property/evidence room is imperative in the absence of property/evidence room personnel. Agencies should consider establishing emergency access procedures that may include a two-person rule

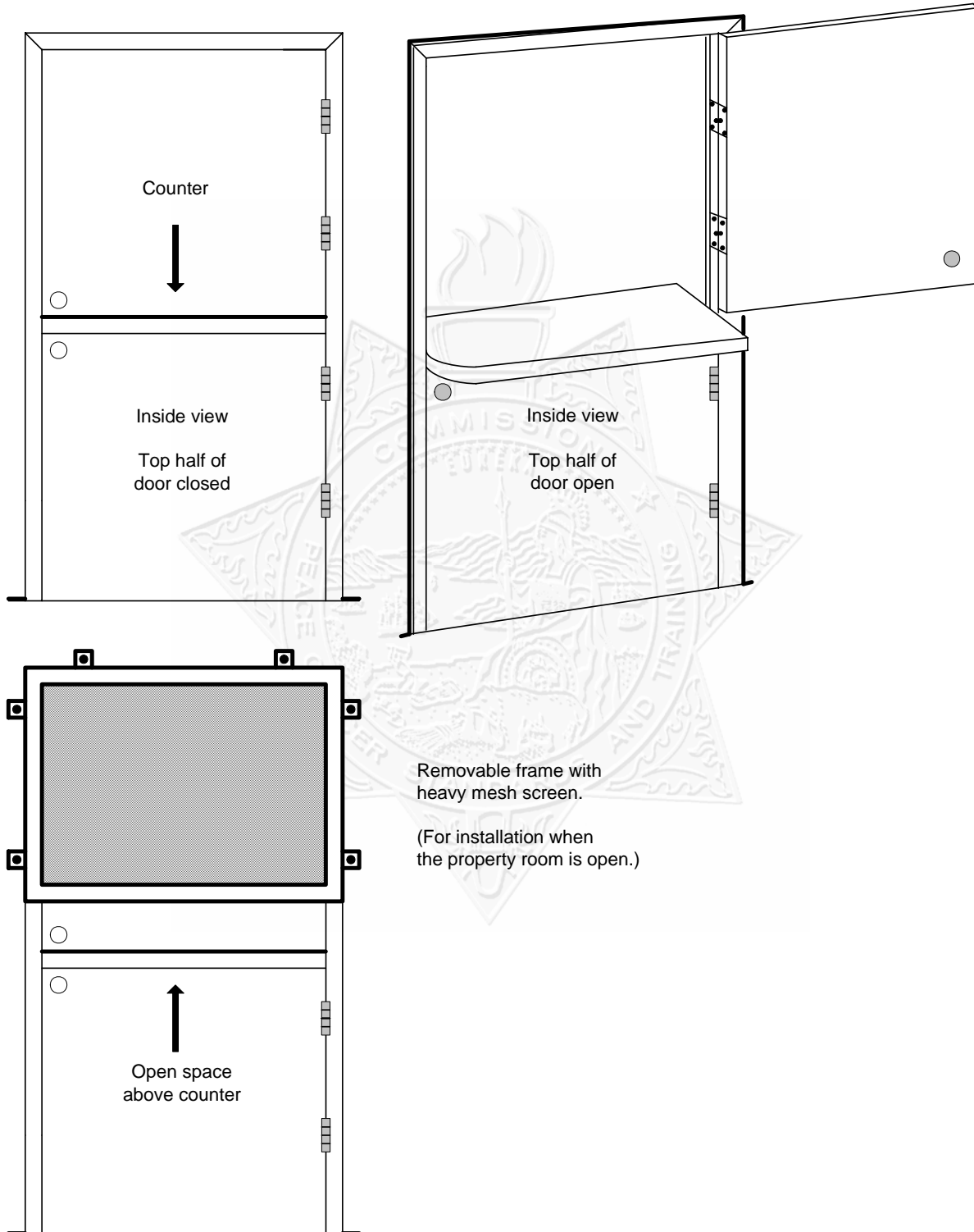
Fig 3.5
MOBILE FILING SHELVES



The need to release property and evidence without allowing other law enforcement personnel or citizens in the property/evidence room is of paramount concern. Providing a Dutch door (see [Figure 3-6](#)) is highly recommended. This is especially important in small agencies where the property/evidence room does not have a release counter. Before installing Dutch doors, however, agencies should check with their local fire marshal to ensure there are no regulations prohibiting their use.

In those instances where individuals other than property/evidence room personnel are allowed access, a log must be maintained showing the entry and the reason for the entry. (Refer to [Appendix B](#) for a Sample Property/Evidence Room Access Log.)

Fig 3.6
DUTCH DOOR

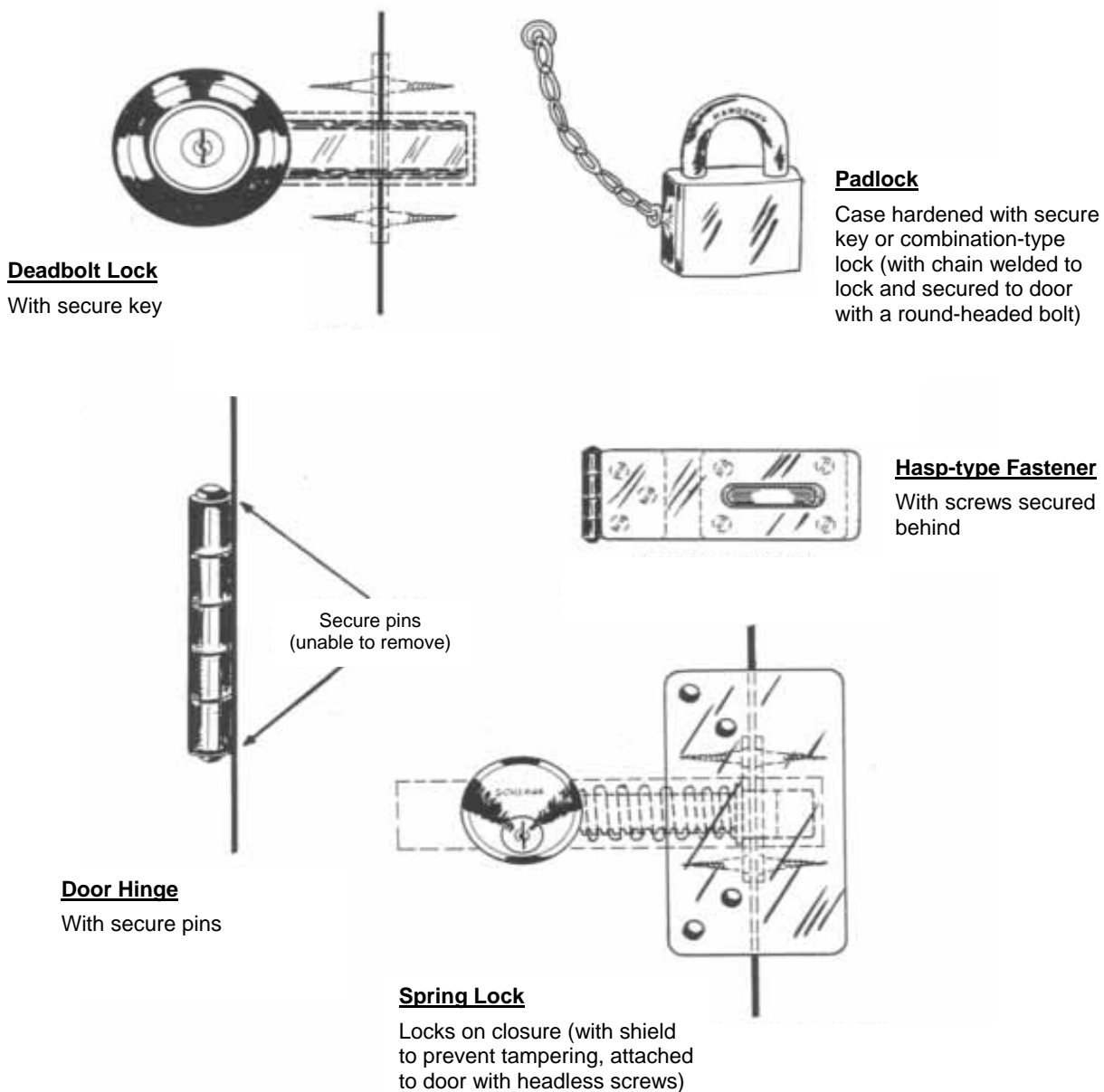


Key Control

All keys should be numbered and inventoried periodically. Safe combinations, locks, and access codes should be changed whenever there is a change in personnel (see [Figure 3-7](#)).

Fig. 3.7

SAMPLE LOCKING DEVICES



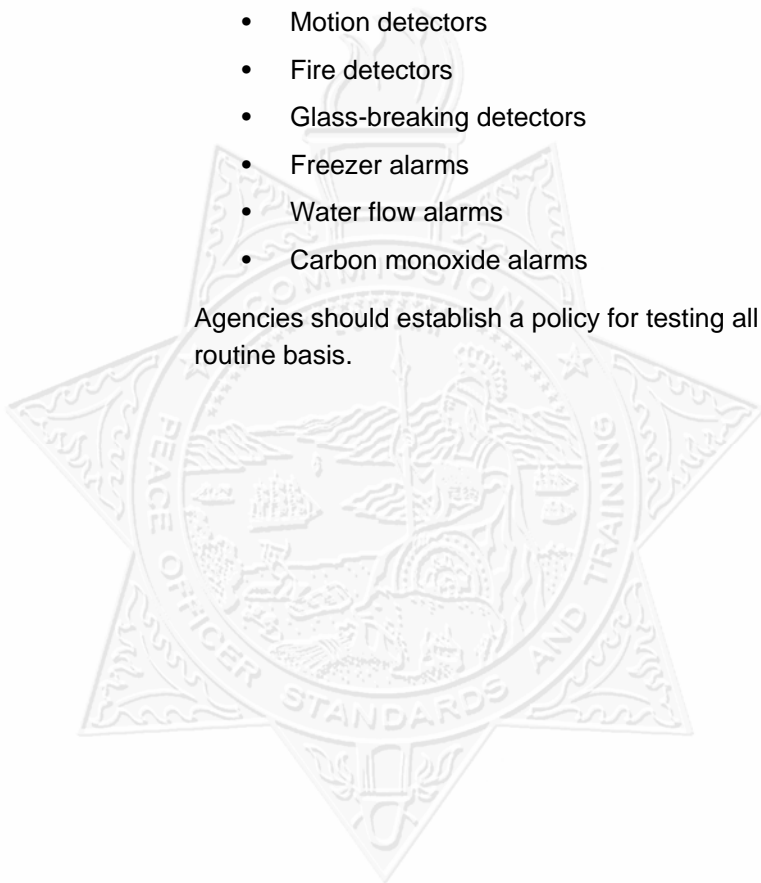
3. Storage Facilities

Alarms

Property/evidence rooms should be equipped with an alarm system monitored 24 hours per day by assigned personnel (e.g., dispatch, watch commander, etc.) or a contracted security company. Consideration should be given to the following types of alarm systems:

- Duress alarms
- Perimeter alarms
- Motion detectors
- Fire detectors
- Glass-breaking detectors
- Freezer alarms
- Water flow alarms
- Carbon monoxide alarms

Agencies should establish a policy for testing all alarm systems on a routine basis.





POST

4

Property & Evidence Handling Procedures

There is great variance throughout the state in the policies and procedures regarding documenting, packaging, and storing property/evidence. Agencies should develop specific guidelines for the receipt, packaging, and storing of property/evidence that meet the needs of their department and jurisdictional standards (e.g., local crime lab, district attorney's office, Department of Justice, etc.). Procedures should be consistent within the agency for all property/evidence received.

Property/evidence rooms routinely contain hazardous materials that can easily contaminate employees, their clothing, and shoes. Property personnel, in turn, can carry this contamination to other work areas or to the home. Property personnel should change clothes and shoes prior to leaving the police facility. Agencies should consider adopting a safety dress policy for property/ evidence personnel (e.g., agency-issued work shoes and two-piece uniforms, laundered daily).

RECEIVING

In order to provide personnel with direction, it is recommended that property/evidence room managers develop specific policies that outline the acceptable methods for packaging property and evidence within that agency. One recognized method would be to develop a photo-based manual that illustrates the proper method for that agency. Those items that should be defined/described may include:

- Ammunition
- Audio/Video Tapes and Computer Disks
- Bicycles
- Biohazard Materials

- Bulk Property / Evidence
- Computers
- Currency
- Documents
- Electronics (cell phones, TVs, stereos, etc.)
- Explosives / Fireworks
- Fingerprints
- Firearms
- Flammables
- Hazardous Materials
- Knives / Swords
- Narcotics
- Photographs / Film
- Physiological Fluids
- Sexual Assault Evidence
- Syringes / Sharps
- Tools
- Valuables / Jewelry
- Weapons

General Recommendations

It is recommended that property/evidence be properly packaged and/or labeled to ensure its integrity and to protect against contamination, loss, or theft. Proper packaging also protects employee health and safety.

A sound packaging procedure helps to preserve the chain of custody, provides uniformity within the property room, and enhances the efficiency of the operation.

Regardless of the packaging method used, the package should have an identifier (e.g., case number, control number, item number, etc.) which corresponds to the item description noted on the property/evidence report (e.g., evidence tag, property sheet, property receipt, property invoice, etc.).

Serial numbers on all serialized property and evidence (including weapons) should be verified upon receipt. Close communication should be maintained between those responsible for entry and update of all State automated systems and the property/evidence function.

4. Property & Evidence Handling Procedures

Special Considerations / Recommendations*Audio/Video Tapes and Computer Disks*

Air, heat, moisture, and magnetism may deteriorate these items within 5 to 6 years; they may become completely ruined within 10 to 12 years.

- 1) Recommended: If any of these items are to be stored for longer than 5-years, especially for homicide cases, place the items into non-static bags to protect them from air and other elements.
- 2) Do not photocopy tapes, diskettes, or memory cards. Isolate these materials from other property/evidence due to the potential for accidental erasure.

Biohazardous Materials

Packaging evidence appropriately will depend on the type of evidence.

- 1) Package biological evidence in paper containers (not plastic).
- 2) Protect breakable evidence (e.g., package slides in a slide mailer).
- 3) Bindle trace evidence/stain scrapings (which are easily lost).
- 4) Immobilize sharp objects (e.g., knives, glass) in a box before transporting.
- 5) Tape seal evidence and initial seal when appropriate.
- 6) When storing biological evidence, ensure that evidence (except liquid blood) has been completely air-dried.
- 7) Short-term storage, the best method depends upon the nature of the evidence:
 - If fingerprints are relevant and a possibility, store at room temperature and process as soon as possible.
 - If biological evidence is on a metal item (e.g., gun or knife), store at room temperature and process as soon as possible.
 - Refrigerate liquid blood vials.
 - When possible (e.g., on a clothing item), store all biological evidence frozen.
- 8) Long-term storage (after evidence has been examined and analyzed), follow these guidelines to increase the likelihood of obtaining test results for biological markers:
 - Make liquid blood stain from whole blood and freeze.
 - Store stains of all biological evidence frozen.

- Store clothing items with biological evidence frozen.
- If all relevant biological evidence has been removed, store remaining evidence items at room temperature.
- If freezing is not possible, refrigerate items, or at a minimum, store in a controlled setting (e.g., air conditioned room at 70 degrees).

9) Properly seal all evidence.

10) Store in a secure location.

Computers

- 1) Avoid exposure to heat, cold, moisture, magnetic influences, dirt, or dust.
- 2) Store the computer tower in the position in which it was used.

Currency

- 1) Include a two-person rule when counting.
- 2) Place in a currency package/envelope and seal.
- 3) Store in a secure area separate from other property/evidence.

Explosives / Fireworks

- 1) As a rule, no explosives should be allowed within city/county facilities.
- 2) Consult with the local fire department or bomb squad when determining department policy.

Firearms

- 1) Render firearms safe prior to booking into evidence. Consult with your local crime lab when determining methods of rendering firearms safe and protecting ballistic integrity. Consider the use of commercially made firearms boxes for submittal and storage.
- 2) Store firearms in a separate, secure area whenever possible.
- 3) Ensure documentation reflects all DOJ Automated Firearms System-required fields.
- 4) Some jurisdictions may require firearms to be test-fired so they may be entered into a ballistics tracking and identification system (e.g., IBIS, FBI Drug Fire program).
- 5) Section [11108 PC](#) requires all “crime guns” (i.e., guns used in a crime, suspected to be used in a crime, or illegally possessed) to be traced through ATF.

4. Property & Evidence Handling Procedures

Flammables / Hazardous Materials

- 1) As a rule, no flammables or hazardous materials should be allowed within city/county facilities.
- 2) Consult with the local fire department, county environmental health agency, or the State Department of Toxic Substances when determining department policy.

Knives / Swords

Render blades safe prior to packaging. Consider the use of commercially made knife boxes for submittal and storage.

Narcotics

Narcotics include all known illegal substances, suspected illegal substances, prescriptions, and over-the-counter medicines.

- 1) Place each "category" of narcotics into a separate, secured package and seal.
- 2) Store narcotics a separate, secure, properly ventilated area.
- 3) Agencies should develop a protocol for weighing narcotics.
- 4) Do not store or package green, wet, or fresh plant material in plastic.

Physiological Fluids / Sexual Assault Evidence

Consult your local crime lab for packaging, storage, or refrigeration requirements.

Syringes / Sharps

Always package syringes and/or sharps in a sharps container or syringe tube.

Valuables /Jewelry

- 1) If possible, store in a separate, secure area.
- 2) Items should be individually and generically documented/described (e.g., yellow metal ring with clear stone) and packaged.



POST

5

Audits & Inventories

AUDITS

An annual audit of property/evidence held by the agency should be conducted by a supervisor/manager or a select group of examiners who are not routinely or directly connected with the control of property and evidence, but are familiar with the agency's protocol. Unannounced inspections of the property and evidence storage areas should be conducted as directed by the agency's executive.

An inspection is conducted to determine whether the property/evidence room is clean and orderly; the integrity of the property and evidence is being maintained; departmental provisions and policies are being followed; property/evidence is being protected from damage or deterioration; employee health and safety is protected; property/evidence accountability procedures are being used; and property having no further value as evidence is being promptly disposed. The employee responsible for supervising the property/evidence controller shares a significant responsibility for the integrity of the property and evidence function.

The [POST Property & Evidence System Audit Guide](#) was developed to assist agencies conducting an audit of their property and evidence function.

PURPOSE OF THE AUDIT

The purpose of the audit is not solely to verify compliance, but also to identify areas that may need improvement or updating, and to correct procedural deficiencies. In order to investigate these options, the audit team should be briefed by the agency executive as well as the property/evidence controller(s). The final audit report should bypass intermediate levels and go directly to the agency executive. If problems are present, action should be immediately taken to rectify the situation(s). Internal corrections are much easier if they are made before an agency is under the scrutiny of the court or media.

The audit process is an audit of the system, not individuals. Audits and inventories simply re-assert a smooth-running operation. The basic purpose of conducting periodic and ongoing audits and inventories is to ensure the continuity of the custody of property and evidence. Audits and inventories, on an ongoing basis, will enhance the safekeeping of property and evidence and minimize mismanagement which can easily lead to court cases not being filed, loss of public confidence (and that of collateral criminal justice system agencies), personnel problems, litigation, and possible financial loss.

WHEN TO AUDIT

There should be periodic audits of stored items and completed property transactions. The audit of these transactions should be conducted by examining the case files to verify that notification and release authorizations have been submitted and that a legitimate basis for the release decision clearly exists. These checks ordinarily should apply at least to the more sensitive items, such as firearms, narcotics, currency, jewelry, and other valuables.

Audits should be completed:

- on a scheduled basis.
- on a random basis.
- when information is received suggesting a breach of system integrity.
- when there is a change of the agency executive.
- when there is a change of property/evidence controller personnel assignments

Strong internal control will enhance the reliability and credibility of the property/evidence room and agency. It is the responsibility of management to see that a sound system of internal control is developed and implemented. The agency's designated inspection unit is responsible for evaluating the controls, determining where they are adequate, reporting weaknesses, and providing suggestions for improvements. In addition,

regular property/evidence room audits and inventories remind employees that the property and evidence function is vital to the organization.

TYPES OF AUDITS

There are three types of audits:

- 1) A *basic audit* determines if the minimum legal requirements are being met.
- 2) A *procedural audit* examines and evaluates the efficiency and effective use of resources. This also includes attention to procedures and management policies.
- 3) An *organizational audit* examines and evaluates an agency's structure and encompasses plans, policies, and systems.

An audit includes reviewing the overall property and evidence operation, including written documentation (flow charts, property reports, logs); verifying location of property and evidence; and confirming timely and proper disposal of property. The audit is conducted to determine if property/evidence management directives are being followed and if property having no evidentiary value is being disposed of according to agency purging policy.

Scheduled inspections of audits should be conducted at least quarterly. These audits should be reviewed and recorded by the immediate supervisor.

As an additional safeguard, unannounced inspections, or random audits, should be held at the discretion of the agency's executive. One method is to select and review a single case. Using this method, the file is traced through the entire system, including applicable state computer systems, to the current location. This method provides verification that the file is accurate and contains all related forms.

A second method entails the random selection of an item of property or evidence from a storage location. The auditor traces it back through the case file, verifying the file and related documentation.

A third random method consists of the selection of an inactive case file. The auditor traces the file through the system to the property or evidence, or if purged, verifies that all documentation is correct. A physical inspection of the last storage location prior to disposal is recommended to ensure validity.

INVENTORIES

A complete inventory matches every item of property/evidence with its paperwork. The purpose of the inventory is to account for every single item of property and evidence.

When the scale of such a task may be difficult, partial inventories can be conducted by selecting certain storage locations or categories (narcotics, firearms, currency, etc.) and accounting for all property/evidence and paperwork. The inventory instills accountability and integrity in the organization.

Inventories should also be performed upon reassignment of the property/evidence controller. This inventory should be completed by the former property/evidence controller (if possible), the new controller, and the immediate supervisor. If it is impractical to conduct a complete inventory upon reassignment of the property/evidence controller, a random inventory should be conducted.

Inventories should be started in one location (e.g., the top shelf of a bin). Each package or item should be examined for case, control, and item number. Working in a systematic manner throughout the property/evidence room, after several shelves have been documented, the list should be compared to the existing files. As items are located in the file(s), the items should be marked to show verification. As the process continues, each shelf item should match with the paper file(s).

The full inventory should be conducted from the shelf to the file, and not from the file to the shelf.

When completed, the file(s) should be reviewed for items not checked off. Items not checked off are considered to be missing items that should immediately be brought to management's attention.

Property/evidence rooms routinely keep Unable to Locate (UTL) files. Managers should inspect these files on a regular basis and employees should promptly report missing items. A UTL file containing several items could be a warning that major problems are occurring. All missing property and evidence should be immediately investigated.

**SPECIAL
CONSIDERATIONS**

In the event items are found on the shelf without documentation, the item should be researched to connect the item to a case. When the item cannot be identified, the item should be listed on a "Found Property Report," held for the statutory period, and then disposed of according to existing laws.

Inventories should be scheduled during non-business hours whenever possible.

5. Audits & Inventories

The importance of separating firearms, narcotics, and currency has been a continuing theme. This segregation makes the inventory much simpler and adds system credibility.

As audits and inventories are intrinsic to property/evidence room operation, there are areas of special consideration. Comparisons of descriptions do not always address the internal contents. If the evidence seal is intact, the property/evidence system is basically sound. It is not recommended that seals be opened; however, if seals have been broken, contents must be verified and documented prior to resealing. The replacement seal should be initialed, dated, and witnessed.





POST

6

Disposition & Purging

DISPOSITION

While property/evidence personnel are the guardians of property and evidence, they are not recommended to be the final decision makers regarding the disposition of property and evidence. Ultimately it is the property/evidence staff who are responsible for the legal disposal of all items held by an agency. Ideally, the investigating officer should be involved in the case disposition. This helps to ensure the prevention of premature disposal of evidence that may:

- be linked to other cases.
- have multiple defendants.
- be subject to DA refilling.
- have questionable ownership.
- be subject to court order (e.g., search warrant, return of property order, etc.).
- determine sexually violent predators. (Refer to Section [6600 WI.](#))

Timely disposal of property/evidence is one of the most important functions of any property/evidence controller's job. Space limitations alone demand this disposal. Other considerations are physical hazards, legal requirements, increased auditing time, increased time to locate items, and the increased potential for misplacing an item(s), resulting in unsuccessful prosecution.

6. Disposition and Purging

Whenever possible, all property in the care of an agency should be returned to its rightful owner or disposed of in accordance with law. Property and evidence that remains with the agency, whether it be found property, unclaimed, for destruction, for safekeeping, or inherited through other means, should be disposed of in a timely manner. The rules and regulations that govern how and when to dispose of most items should be reviewed regularly by the property/ evidence staff to ensure proper compliance.

Each agency should develop a method to routinely review property/ evidence for disposition. One method is to review all criminal cases every six months to one year. Some consideration should be given to the potential for civil litigation against the agency.

A less-desirable method is to retain all property/evidence, without the benefit of review, basing disposition on the Statute of Limitations (799 PC et seq.). This method can have a negative impact on storage space requirements. The following chart depicts a general outline of the California Statute of Limitations and other statutory requirements.

Fig 6.1

STATUTE OF LIMITATIONS ON STORAGE REQUIREMENTS

Type of Property/Evidence	Length of Storage
Misdemeanors	1 – 2 years
Felonies*	3 – 10 years
Found Property	90 days
Safekeeping	60 days

* *Certain felony cases* (e.g., homicides, capital crimes, sex crimes, public embezzlement, and others) may need to be retained longer. For example, capital crimes may be appealed at any point beyond conviction. (Defer to local district attorney and agency policy for specific direction.)

Certain jurisdictions may require all photos and tape recordings for the following penal code cases to be held ten years to show prior history:

- 243(e), 243.4
- 245(a)(1) and (2)
- 261, 261.5
- 262
- 273a(a) and (b), 273(d)a, 273.5(a), 273.6(a)
- 286
- 288a, 288(a), (b), (c) and (d)
- 289
- 368, 368(b)(1) and (c)
- 422 domestic
- 646.9
- 647.6

6. Disposition and Purging

The establishment of a well-defined written policy outlining the proper disposal of property and evidence and the time frames involved is critical to ensure personal, as well as department liability. In addition, this will help establish and maintain a systematic way of purging items, which will ensure a smoother-running property room.

Prior to disposal of any items, verification should be made that the proper receipts were given to involved parties to notify them of their rights. In addition, outstanding warrants and restraining orders should be checked.

Documentation of the final disposition of any item is the duty of property/evidence room personnel.

It is important that security be maintained on all property and evidence — even those items for disposal, as many items can be “lost” while awaiting disposal (particularly firearms). No record or computer system should be updated to indicate an item has been destroyed prior to such destruction actually having occurred.

The basic classifications of property are:

- Found
- Safekeeping
- For destruction
- Evidence
- Auction
- Retain for departmental use

Each classification has different criteria for disposal. The sections that follow are broken down by these classifications and may be broken out once more to specifically deal with items requiring special attention (e.g., weapons, narcotics, valuables, serialized items).

Methods of Disposal

Listed below are the primary methods used to dispose of items from the property/evidence room.

- *Returned to the Owner or Finder* – When appropriate.
- *Sold at Public Auction* – Agencies may negotiate a contract with an auction company that will handle all notices and forms required in addition to picking up the items, or may conduct their own auction.
- *Converted to County/City Use* – A memo from an agency head should document the approval of the transfer.
- *Recycled* – Erase and reuse agency video/audio tapes, etc.

- *Destroyed* – This includes melting, shredding, burning, and hazmat disposal service.
- *Thrown Away* – Dumpster, garbage can, etc.
- *Other Claims of Ownership* – Civil, pawn, insurance company, etc.
- *Donations* – Local charity.

Before a computer can be auctioned, its hard drives or storage media should be deleted with a program to wipe out all traces of files or folders. If a computer hard drive is not wiped and is sold with sensitive material (e.g., financial records, pornography, etc.), there can be stiff penalties imposed on the releasing agency.

Disposal of Serialized Property

Any person who knowingly buys, sells, receives, disposes of, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense. (Refer to Section [537e PC.](#))

- When property comes into the custody of a peace officer, it becomes subject to the provision of sections [1407–1411 PC](#) relating to disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property and, prior to being disposed of, may have an identification mark imbedded or engraved in, or permanently affixed to it.
- If serialized property is returned to the finder or auctioned, the appropriate disposition should be entered into the California Department of Justice Automated Property System. If the original serial number has been tampered with or destroyed, an attempt should be made to restore the serial number or a new serial number should be generated and affixed prior to release. A new number does not need to be generated if the property is to be destroyed. (Refer to Section [537e PC.](#))
- Proper documentation of both the release and the newly generated serial number should be retained.

Authority to Sell/Auction Property

The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale, or destruction of unclaimed property in the possession of the police department of such city or city

6. Disposition and Purging

and county or of the sheriff of such county. (Refer to Section [2080.4 CC](#).) All provisions of sections [2080.3](#) and [2080.6 CC](#) must be adhered to.

- The police or sheriff's department may sell such property by public auction, in the manner and upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or being found, refuses upon demand to pay the lawful charges provided by sections [2080](#) and [2080.1 CC](#), or fails to respond to notifications and in the following cases. (Refer to Section [2080.5 CC](#)):
 - The property is in danger of perishing, or of losing the greater part of its value.
 - The lawful charges provided by sections [2080](#) and [2080.1 CC](#) amount to two-thirds (2/3) of its value.
- In the case of other personal property; a similar notice must be posted for not less than ten days in three public places in the city where the property is to be sold, or in the judicial district in which the property is to be sold. A notice of the time and place of the sale must also be mailed to the judgment debtor not less than ten days prior to the sale.

AMMUNITION / FIREWORKS / EXPLOSIVES / FLAMMABLES

Each agency should establish a policy for disposal of ammunition, fireworks, explosives and flammable items. In many jurisdictions, bomb squads or fire departments are used to remove these items.

BIOHAZARDOUS MATERIALS

The disposal of biohazardous materials falls under a number of state and federal statutes. In practice, most disposals are regulated by the California Department of Health Services. There are several services that can be contracted with to provide special safety barrels for the disposal of these items. These companies will also take needles placed in Sharps containers. When disposing of items contaminated by blood, urine, or other biohazard fluids or powders, the package containing the items should remain unopened if possible.

**CONTROLLED SUBSTANCES
& PARAPHERNALIA**

All controlled substances and related instruments, paraphernalia, or objects contaminated by the controlled substances, which were unlawfully used or possessed, and which are in possession of the agency, shall be destroyed by the order of the court. (Refer to sections [11473](#) and [11473.5 H&S](#).) The actual destruction may be done by a police or sheriff's department, the California Highway Patrol, or by the State Department of Justice. (Refer to Section [11474 H&S](#).)

Exception: Per sections [11473](#) and [11473.5 H&S](#), law enforcement may request of the court that certain uncontaminated science equipment be relinquished to a school or school district for science classroom education in lieu of destruction.

Note: Some agencies temporarily divert narcotics to their K-9 unit for training. Agencies should develop policies and procedures for this process. When the unit has completed the training, the narcotics will be returned to property and evidence and will fall under the same guidelines for destruction.

Depending on the courts in the local jurisdiction, orders may or may not have been received to destroy controlled substances on a case-by-case basis as they were adjudicated. Regardless, an order, encompassing all items to be destroyed, shall be presented to the court for each destruction (see [Figure 6-2](#)). Many cases are not prosecuted and there may be other found substances as well as paraphernalia. The court order should contain the name of the agency and the property/evidence controller responsible for the destruction. It should list the controlled substances, instruments, or paraphernalia to be destroyed and the case number relating to each. Jurisdictions may differ slightly as to form and content of the order.

Narcotics Obtained by Search Warrant

If certain controlled substances and/or paraphernalia were obtained in connection with a search warrant, a separate court order for each case must be obtained for disposal. (Refer to Section [1536 PC](#).)

Fig 6.2

SAMPLE COURT ORDER**COURT ORDER****SUPERIOR COURT OF CALIFORNIA****XXX JUDICIAL DISTRICT**STATE OF CALIFORNIA
COUNTY OF **XXX**SS. ORDER OF COURT FOR THE
DESTRUCTION OF CONTROLLED
SUBSTANCES/PARAPHERNALIA

NO. _____

IT IS HEREBY ADJUDGED AND DECREED, that the Support Services Division, Property Bureau of the **Xxx** Police Department, **Address, City**, California, is authorized in accordance with Sections 11374 and 11374.5 of the Health and Safety Code of the State of California to destroy or dispose of the controlled substances and paraphernalia which are before the court in the instant proceeding, and which have been held for the time prescribed by law.

Name
Xxx Police Department_____
Title_____
Date

WHEREFORE, IT IS ORDERED AND DECREED that the attached list of Controlled Substances and Paraphernalia be disposed of or destroyed by the **Xxx** Police Department Property Bureau.

Honorable Judge of the Superior Court_____
Date

Exceptions to the Court Order Requirement

Health and Safety Code Section [11479](#) allows the destruction prior to adjudication of anything in excess of 10 pounds in gross weight connected to one particular case by order of the chief of the law enforcement agency or a designated subordinate. The following requirements must be met in order to proceed with the destruction:

- At least five random samples must be taken (not included in 10 lb. weight requirement).
- Photos must be taken.
- The evidence must be weighed.
- The chief must be satisfied that all other alternative storage methods have been exhausted.

In addition, an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Destruction of Large Amounts of PCP

Section [11479.1 H&S](#) provides for destruction prior to adjudication of phencyclidine, or an analog thereof, in excess of one gram of a crystalline substance, 10 milliliters of a liquid substance, two grams of plant material, or five hand-rolled treated cigarettes. The following requirements must be met in order to proceed with the destruction:

- Samples must be taken
- Photos must be taken
- The evidence must be weighed
- The chief must be satisfied that all other alternative storage methods have been exhausted

In addition an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Large Amounts Confiscated

If your agency confiscates a large amount (in excess of 57 grams) of a suspected controlled substance, except marijuana, Section [11479.2 H&S](#) allows for its destruction prior to adjudication. A separate court order is required and there are several conditions which must be met, including:

- Five random samples must be taken.
- Photos must be taken.

6. Disposition and Purging

- The evidence must be weighed and identified.
- The chief must be satisfied that all other alternative storage methods have been exhausted.

A motion must be filed for the destruction order in the court which has jurisdiction over any pending criminal proceeding in which a defendant is charged.

Hazardous Chemicals

Section [11479.5 H&S](#) allows for the immediate disposal of amounts in excess of one fluid ounce of liquid, or one avoirdupois ounce if solid, of a suspected hazardous chemical believed to have been used or intended to have been used in the unlawful manufacture of controlled substances. The chemical, and its container, may be disposed of without a court order by the seizing agency. For the purposes of this section, “hazardous chemical” means any material that is believed by the chief of the law enforcement agency to be toxic, carcinogenic, explosive, corrosive, or flammable, and that is believed by the chief of the law enforcement agency to have been used or intended to have been used in the unlawful manufacture of controlled substances. As with the above exceptions, conditions must be met:

- At least a one ounce sample must be taken from each different type of suspected hazardous chemical
- At least a one ounce sample must be taken from each container of a mixture of a suspected hazardous chemical with a suspected controlled substance
- Photos must be taken
- The gross weight or volume of the suspected hazardous chemical seized must be determined

Note: Upon encountering an incident where hazardous materials may be present, the appropriate department policies and procedures should be followed so the proper Haz-Mat authorities are notified. Only properly trained and equipped personnel should directly handle the material collection and only from these authorities should an officer obtain samples for evidence submission.

In addition, an affidavit must be filed with the court within 30 days, reciting all required information.

A law enforcement agency responsible for the disposal of any hazardous chemical must comply with the provisions of Chapter 6.5 (commencing with Section [25100](#)) of the Health and Safety Code, as well as all applicable state and federal statutes and regulations.

Packaging and Preparation for Disposal

Packaging narcotics and paraphernalia for destruction is just as important as the initial packaging when they were submitted to the property/evidence room. The easiest way is to use numbered cardboard boxes. This will allow for both easy identification and inventory. There should be a list of what is in each box. The containers should be packed in a manner that prevents the contents from tipping, spilling, or breaking during the transport. This will prevent the accidental mixing of materials during transport, which could have hazardous results.

When preparing for a narcotics burn, it is a good idea to use the two-person-rule approach. As each container of narcotics is placed into the box, it should be verified by a second person. Once a box is filled, it should be sealed with evidence tape and initialed by both individuals. This will prevent any kind of tampering.

Method of Destruction

Many law enforcement agencies are now burning their narcotics (marijuana, cocaine, and drug paraphernalia) at burn sites in Northern and Southern California that have been approved by the air quality management district. An appointment for a disposal burn should be made in advance. Because of air quality laws, many burn facilities require that a general list of items to be incinerated be forwarded prior to the destruction.

There are strict guidelines for the burning of hazardous materials. When burning drugs, there are temperature requirements that must be met for certain periods of time. Not just any furnace can burn drugs.

During transport to an authorized burn facility, items to be destroyed should be accompanied by an armed escort. If the property/evidence officer is not armed, a peace officer should escort the shipment for disposal. The disposal of all evidence must be witnessed.

Procedures should be taken to ensure that all conditionally exempt narcotics are handled and transported in accordance with [Section 66261.4 CCR](#).

Some simple rules to keep in mind:

- Don't publicize the destruction.
- Don't go alone.
- Be familiar with the destruction site prior to the burn.
- Check out the facility prior to the burn.
- Document the burn.

Hazardous Waste/Clandestine Lab Disposal Procedures

With the exception of representative samples, handling, storing, and transporting hazardous chemicals should not be the responsibility of property/evidence personnel. However, when transporting “sharps” and other hazardous waste as a property officer, you will be considered a “small quantity generator” under 117760 H&S and a permit is required from the Department of Health Services.

In all cases involving hazardous waste clean-up or disposal, property/evidence room personnel should first call their local environmental health department. (With some jurisdictions, this may be the fire department.) Most offices are available 24 hours a day. A hazardous materials specialist will respond to the scene and provide a hazard assessment. The specialist will then advise the department on the proper course of action to take.

For convenience, information regarding agency response personnel may be listed below:

Fig 6.3
SAMPLE
AGENCY RESPONSE LIST

Agency Response Personnel			
Agency Name			
	Street		
	City	St	Zip
Phone Number	() -		
After-hours / Emergency Phone Number	() -		
Contact Person	Name		
	Work () -		
	Cell () -		

The county environmental health department should maintain a complete listing of all clean-up and disposal companies, and can advise the department of the appropriate disposal company for a particular hazard. Many county environmental health departments are also capable of collecting and disposing of small amounts of certain chemicals from the scene. They can do this for a department at a much cheaper cost than a private company.

The California Department of Toxic Substance Control maintains a hazardous waste clean-up money “Superfund.” This money may be

available for the clean-up of laboratories that are discovered by law enforcement. They also employ investigators and have emergency response capability. They can be reached at 1-800-852-7550.

Suspected hazardous chemicals used in the illicit manufacture of controlled substances should be sampled for a criminal investigation and prosecution. County environmental health personnel will obtain appropriate samples of each chemical and provide them to police personnel. Samples of the materials should then be stored in the hazardous materials storage room maintained by the department. Photographs should be taken of the original container and of the sample container.

If possible, the remainder of the hazardous materials should be disposed of at the scene by a disposal company or the county environmental health department. Large amounts of hazardous chemicals should not be stored in the hazardous materials storage room.

An agency planning to use a hazardous materials disposal company to dispose of materials must first have a Generator's Environmental Protection Agency (EPA) identification number.

EVIDENCE

"Evidence" is defined as items taken with or without a search warrant in connection with an investigation of a crime. Items may be photographic in nature as well as audio or visual reproductions.

Type of Authorization for Release/Destruction of Evidence

Property/evidence personnel may receive notification and authorization for release or destruction in any of the following ways:

- The district attorney's office forwards a case disposition to close/suspend/reject a case or return property.
- The court sends disposition on completed cases.
- The property owner inquires about the disposition of his/her property.
- The investigating officer authorizes release/disposal by making a note to that effect on the appropriate property form.
- A court order is received ordering release of the property.
- The property, or an accumulation of property, poses a storage problem/hazard and disposal is ordered by the agency head.
- Department policy allows for property personnel to purge old items according to the statute of limitations in the Penal Code.

6. Disposition and Purging

Sound internal controls should always include the investigating officer's input into the final determination to the disposition of the property/evidence.

Appeals Period – Adjudicated Cases

Generally, evidence may not be released or disposed of prior to the adjudication of the case and the expiration of the appropriate appeals period following sentencing (30 days following sentencing on misdemeanors and 60 days on felony cases in accordance with 31 and 182 Rules of Court). It is advisable to wait an additional 30 days beyond these dates to verify that no appeal has been initiated.

Statute of Limitations – Adjudicated Cases

Property/evidence from capital crime homicide, embezzlement of public funds, or falsification of public documents cases should be retained indefinitely, except when disposal release is ordered by the investigating officer, district attorney's office, or the court.

Biological material from convicted felons meeting the criteria of Section [1405 PC](#) must be maintained for the duration of the incarceration, or when notice of disposal is given to all appropriate parties and no response is received within 90 days of notice being sent. (Refer to Section [1417.9 PC](#) and to [Appendix B](#), Form 7.)

Statute of Limitations – Open Cases

- Misdemeanor cases1 year
Exceptions: [647.6 PC](#) and [729 B&P](#):2 years
- Felony cases:
 - Felony sexual offenses10 years
 - Felonies punishable by 8 years or more.....6 years
 - 368 PC felonies.....5 years
Exceptions: Theft or embezzlement
 - 803(c) PC felonies4 years
 - All other felonies3 years
- Cases that involve:
 - Property from homicideretain indefinitely
 - Embezzlement of public fundsretain indefinitely
 - Falsification of public documents.....retain indefinitely

Exceptions: If disposal release is ordered by the investigating officer, district attorney, or the court.

Cases with Special Circumstances

These types of cases should be reviewed and agency policies established for each. Some agencies have special retention periods for the following:

- Suicides/dead bodies
- Cases involving crimes against children
- Fatal accidents
- Cases involving city/county as a party to the case (lawsuits)
- Death penalty cases

Cases Involving Search Warrants

Items taken pursuant to a search warrant must have a court order prior to release or destruction per Section [1536 PC](#). Be aware this does not preclude the need for waiting the full appeals period, nor for those special cases which may need the evidence to be held for a longer period of time. Anytime a court order is received, the investigating officer should be notified prior to taking action.

Items Entered as Exhibits by the Court

Items held by the court as exhibits need a court order for disposition, destruction, or diversion per Section [1417 PC](#).

FOUND PROPERTY

“Found property” is defined as non-evidentiary property which, after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense. (Refer to sections [2080](#) – [2080.9 CC](#).)

Maintaining found property and found property paperwork separately from evidence is recommended. This separation helps ensure that found property is stored a minimal length of time.

Refer to the individual sections of this chapter for disposition of weapons, narcotics, contraband, and valuables.

Returning to Owner

The law enforcement agency is required to notify the owner (if his/her identity is reasonably ascertainable) that it possesses the property and where it may be claimed. This notification should be made as soon as possible after receipt of the property by the agency. The agency may require payment by the owner of a reasonable charge to defray the costs of storage and care of the property. If the owner appears within 90 days

6. Disposition and Purging

after receipt of the property by the agency, proves his ownership of the property, and pays all reasonable charges, the agency will return the property. (Refer to Section [2080.2 CC.](#))

Returning to Finder

If the property is valued at \$250 or more and the owner does not claim it, the law enforcement agency shall cause notice of the property to be published at least once in a newspaper of local general circulation. If after 7 days, the owner fails to claim the property and the person who found or saved the property pays the costs of publication, the title shall vest in the person who found the property. (Refer to Section [2080.3 CC.](#)) The agency may also require the finder to pay the storage fees.

If the found property is valued at less than \$250 and no owner appears to claim the property within 90 days, the title shall vest in the person who found or saved the property without the requirement of published notification. (*Exception:* If the property was found by a public employee in the course of their employment, the employee will have no claim to the property and the said property will be sold at public auction, lawfully diverted to agency use, or destroyed.)

Adoption of Local Regulations

Any public agency may elect to be governed by the provisions of Section [2080 CC](#) with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale, or destruction of unclaimed property in its possession. The agency shall provide that such property will be held for a period of at least three months, that thereafter such property will be sold at public auction to the highest bidder, and that notice of the sale will be published at least five days prior to sale in a local newspaper of general circulation published in the county in which such property was found. (Refer to Section [2080.6 CC.](#))

- With the concurrence of the city attorney or county counsel, agencies may want to consider not returning found weapons/ firearms to the finder. They may want to declare the weapons/ firearms a nuisance and destroy them.
- Agencies may want to adopt local legislation to allow the disposal of perishable foods and liquor at the time of intake due to health risks.

Abandoned Property

There is no application of sections [2080-2080.6 CC](#) to items that have been intentionally abandoned by their owners. (Refer to Section [2080.7 CC.](#))

Any currency with specific evidentiary value (e.g., contains trace evidence) should be retained.

MONEY & VALUABLES

Money

A recommended method of managing currency is to set up a special account where received money can be automatically deposited. If the funds are not claimed, a simple transfer from the “holding” account to the general fund can be performed. If the funds are claimed by the owner, a check can be requested.

Unclaimed money that has been kept in the property/evidence room should be deposited to the general fund as soon as possible.

Valuables

When items of value such as jewelry, precious metals, stamps, and coins are not claimed by the owner, they should be auctioned. For agencies contracting with an auction company, the auction company can appraise the value of the items. Agencies conducting their own auctions should use a professional appraiser (e.g., coin dealer, jeweler, etc.) to determine the value.

PRISONER PROPERTY

“Prisoner property” is defined as the money and valuables found on each prisoner when delivered to the county jail to serve a sentenced period of time or transported before arraignment. (Refer to Section [26640 GC.](#))

Agency Responsibilities

The sheriff shall take charge of, safely keep, and keep a correct account of all money and valuables found on each prisoner when delivered at the county jail.

- Except when otherwise ordered by a court of competent jurisdiction, the sheriff shall pay such money or sums and deliver such valuables or portions thereof as the prisoner directs and shall pay and deliver all the remainder of his/her money and valuables to the prisoner or to his/her order upon his release from the jail or to his/her legal representative in case of his/her death or insanity.
- The government assumes the role of a bailee when it seizes property from an arrestee, excluding contraband, and the arrestee retains his/her right to regain tangible property or recover a specific sum of money within the possession of the government.

6. Disposition and Purging

- A defendant in a criminal proceeding has the right to obtain mandamus to compel the return of personal property wrongfully withheld by custodial officers; mandamus lies in the criminal proceeding even after disposition of the criminal charges.

When any prisoner is removed to a state hospital or to a state prison, or is released to the custody of an officer of another jurisdiction, his money and valuables or the remainder shall be transmitted to the hospital or prison, or entrusted to the officer for the prisoner's account. (Refer to [Section 26641 GC.](#))

The sheriff shall pay into the general fund for the use and benefit of the county any money of a prisoner or the proceeds of the sale of his/her valuables remaining unclaimed for a period of one year after his/her release, or five years after his/her death, or 120 days after a notice has been sent to his/her last known address or, in the event of his/her death, one year after a notice has been sent to his/her last known next of kin. (Refer to [Section 26642 GC.](#))

PROPERTY FOR DESTRUCTION

"Property for destruction" is defined as items turned over voluntarily to the department in order to be destroyed.

Suggested Methods of Destruction

- Property of little or no value can be disposed of in an appropriate dumpster.
- Papers of a sensitive nature should be shredded by property/evidence personnel.
- Alcoholic beverages should be poured down the drain before disposal of the container.
- Ammunition can be disposed of by a:
 - Rangemaster
 - Bomb squad
 - Military facility
 - Local range
 - Private disposal service
- Controlled substances and narcotics paraphernalia: Refer to the [Controlled Substances & Paraphernalia](#) section of this chapter.
- Hazardous materials: Refer to the [Biohazardous Materials](#) section of this chapter.
- Firearms: Refer to the [Weapons](#) section of this chapter.

- Knives can be smelted or shredded along with firearms to be destroyed.
- Fireworks should be turned over to the fire department or bomb squad for disposal.
- Computer hard drives can be destroyed by burning or smashing. Computer components can be considered hazardous waste because of the chemicals used to manufacture the circuit boards.

PROPERTY FOR SAFEKEEPING

“Property for safekeeping” is defined as personal property that has no evidentiary value which is being held by a public agency for the purpose of temporary storage. (Refer to Section [2080.10 CC](#).)

Agency Responsibilities

When an agency takes property from an individual for safekeeping, the agency takes responsibility for the storage, documentation, and disposition of the property.

The agency must provide a receipt to the owner with instructions on how to retrieve their property. The receipt and instruction shall either be given to the person from whom the property was taken at the time the public agency obtains the property or be immediately mailed, by first-class mail, to the person from whom the property was taken. (Refer to [Appendix B](#) for a Sample Property Receipt.)

The receipt and instructions shall notify the person from whom the property was taken/owner that the property must be claimed within 60 days after the public agency obtains possession. If the owner of the property does not respond to the written notification and the property is not claimed within 60 days, the property will be considered abandoned and will be disposed of. To retrieve the property, the owner may do the following:

- Make an appointment to pick up the property. The person claiming the property must identify him/herself with acceptable identification (e.g., driver’s license, California identification card, passport, military identification card, or booking photo). The identification information should be recorded on the appropriate property form and photocopied.
- Authorize, in writing, another person to retrieve the property.
- Notify the public agency in writing that he/she is unable to retrieve the property because he/she is in custody, and request the agency to hold the property. If a person notifies the agency that he/she is unable to retrieve the property within 60 days, or

6. Disposition and Purging

have an authorized person retrieve the property, the agency may hold the property for not longer than ten additional months. The agency can then dispose of the property according to Section [2080 CC](#).

WEAPONS

Releasing to Individual

Whether a firearm is found, recovered, evidence, or held for safekeeping, the DOJ Denial Review Unit should run a criminal history check on the owner claiming custody of the firearm prior to its release. Restraining orders, warrants, or other court orders may be in place which prohibit the individual from possessing the firearm.

In the event an owner is prohibited from possessing a firearm, the owner may, in some cases, arrange a private-party sale of the firearm through a federally licensed firearms dealer as mandated by law.

In any event where a firearm is released to someone other than the owner, the transfer of ownership must be conducted by a federally licensed firearms dealer.

Weapons to be Destroyed

The property/evidence controller is responsible for ensuring the firearm is disposed of in a lawful manner. Each weapon must be entered into the California Department of Justice Automated Firearms System as destroyed ([12030 PC](#)). A master list of these firearms and their serial numbers should be retained indefinitely. Upon destruction, a Weapons Destruction Certification should be filled out and signed by both the property/evidence officer and the witness, i.e., someone not in property/evidence (see [Figure 6-4](#)).

Methods of Disposal

- Shredding/grinding
- Melting at a commercial facility
- Auctioned by a federally licensed firearms dealer
- Conversion to agency use
- Training
- Transfer to crime lab or other agency (requires court order)

Assault Weapons

Refer to current DOJ publications for definition of assault weapons and restrictions of ownership.

Fig 6.4

SAMPLES

WEAPONS DESTRUCTION CERTIFICATION / EXHIBIT LIST

Weapons Destruction Certification	
<p>This is to certify the weapons listed in Exhibit A have been destroyed as prescribed by California Penal Code Section 12028.</p> <p>The Department of Justice has been notified of the destruction as prescribed by Penal Code Section 12030.</p>	
<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Property Controller	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Date
<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Property Controller	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Date
<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Property Controller	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 10px;"></div> Date

Exhibit A

Firearm Item(s) List			
Item Number	Firearm	Serial Number	Case Number
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		

Information contained on the Firearm Item(s) List should model AFS criteria.

6. Disposition and Purging**Safekeeping**

Before any firearm is released, the following checks must be performed:

- DOJ criminal history
- Warrants
- Protective/restraining orders

Weapons taken at the scene of a family violence incident pursuant to Section [12028.5 PC](#) must be “made available” after 48 hours but no later than 5 business days after the seizure. In those cases where a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within 60 days of the seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. Each agency should establish a policy or procedure to enable this process to be handled expeditiously. (Refer to [Appendix B](#), Form 5)

When weapons are seized from an individual ([5150 WI](#)) pursuant to sections [8100-8103 WI](#), agencies may petition the court within 30 days of release of the individual from the mental health facility if the agency has reasonable cause to believe the return of the weapon is likely to endanger the individual or others. The owner should contact the property/evidence officer, after 15 days from the date of seizure, to determine if a weapon can be returned. If no petition is filed with the court within 30 days of release of the individual from the mental health facility, the weapon may be made available upon request. Each agency should establish a policy to facilitate this process. (Refer to [Appendix B](#), Form 6)

Section [6389 FC](#) states a person subject to a protective order may not own or possess a firearm and the civil court may order that the agency hold the firearm(s) for the duration of the protective order. This code allows agencies to charge fees for the actual cost of storing these firearms.

Weapons are turned in for safekeeping for a variety of other reasons (e.g., “cooling-off” period, taken from impounded vehicles, taken from an arrestee in legal possession of the weapon not related to the cause of arrest). There is no specified holding period; the owner may claim the firearm at any time within 60 days of notification.

Turned in for Destruction

When an individual turns in a firearm for destruction, the firearm should be processed for destruction. (See the [Weapons to be Destroyed](#) section in this chapter.)

Evidence

If a weapon is used in the commission of a crime, it may be destroyed as a “nuisance” pursuant to sections [12022](#), [12028](#), and [12029 PC](#) or, if stolen, returned to the owner after the adjudication of the case and following the appeal period. It is suggested that a DOJ firearms check be conducted prior to release.

Weapons Retained for Departmental Use

Section [12030 PC](#) allows agencies to retain firearms for departmental use. With the approval of the department head, the property/evidence officer may release the firearm(s) to the department armorer/range master. A record of each make, model, and serial number should be maintained by both the property/evidence officer and armorer/range master (see [Figure 6-5](#)). Each weapon should be entered into the California Department of Justice Automated Firearms System as converted to department use. When the department no longer requires the firearm, it shall be turned back over to the property/evidence room for destruction pursuant to Section [12030\(c\) PC](#).

Auction

The auction of firearms is permitted by law between July 1 and July 10 of each year. Refer to Section [12028\(c\) PC](#) for requirements. (Note: Agencies should be aware of possible political ramifications when considering an auction policy.)

Fig 6.5A

SAMPLE**CERTIFICATE OF WEAPON RETENTION**

CERTIFICATE OF WEAPON RETENTION

This is to certify that the weapon(s) listed in Exhibit A (see attached) have been retained for use by the department pursuant to Section 12030 PC.

The Described Weapon(s) in this list shall be restricted to official department use.

If, for any reason, any of the listed weapon(s) are of no further use to the department, they shall be destroyed as prescribed by Section 12028 PC and the Department of Justice shall be notified of the destruction as prescribed by Section 12030 PC.

Property Controller Signature

Date

Armorer / Rangemaster

Date

Agency Head Signature

Date

Xxx (Agency)

Fig 6.5B

SAMPLE

ATTACHMENT TO CERTIFICATE

Exhibit A (Attachment)

Firearm Item(s) List			
Item Number	Firearm	Serial Number	Case Number
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		
	Make/Model:		
	Caliber/Type:		

Information contained on the Firearm Item(s) List should model AFS criteria.

POST

7

Legal & Regulatory Issues

CALIFORNIA CODE REFERENCES

Following is an alphabetical index, by subject, of California codes relating to property and evidence. The table below is a quick reference to abbreviations used for the legal code sections cited.

Category	Code
Business and Professions Code	BP
Civil Code	CC
Code of Civil Procedure	CP
Code of Regulations	CR
Evidence Code	EC
Family code	FC
Government Code	GC
Health and Safety Code	HS
Penal Code	PC
Rules of Court	RC
United States Code	US
Vehicle Code	VC
Welfare and Institutions Code	WI

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Abandoned Property

Bicycles & Toys	217 WI
Currency: District Attorney or Court Clerk possession	1420 – 1422 PC
Exhibits: Court Clerk possession	1417.5 PC
Firearms	12032 PC
Found	2080.1 CC
Intentionally abandoned	2080.7 CC
Stolen	1411 PC

Advertisement

Auction	2080.4 / 2080.6 CC
Currency: District Attorney or Court Clerk possession	1420 – 1422 PC
Found	2080.3 CC
Sale	
• Found / Saved / Unclaimed	2080.4 / 2080.6 CC
• Seized pursuant to narcotics arrest	11488.6 HS
• Vehicle lien	3071 CC

Affidavit

Controlled substances	11479 HS
Found or saved	2080.1 CC
Hazardous chemicals	11479 HS
PCP destruction	11479.1 HS

Ammunition

Prohibition against possession by convicted felon	12316(b)(1) PC
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Appeals

Appeal period on felony convictions (within 60 days)	30.1 RC
Appeal period on misdemeanor convictions (within 30 days)	182 RC

Auction

Auction	2080.3 CC
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Bicycles & Toys

Unclaimed / Diversion to juvenile programs	217 WI
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TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Contraband

Ammunition: Armor penetrating.....	12320 PC
Booby traps.....	12355 PC
Counterfeit / Forged	
• Counterfeiting equipment	480 PC
• Forged public or corporate seals	472 PC
• Forged keys	466.5 – 466.8 PC
• Identification card or drivers license	470a PC
• Lottery.....	470 PC
Destructive device	12031 PC
Firearms	
• Altered marks or number	12090 / 12091 / 12094 PC
• Prohibited persons.....	12021 PC
Hypodermic needle.....	4140 BP
Knives	653k PC
Mental health	8103(f)(1) WI
Narcotics	
• Destruction: Controlled substances.....	11473 / 11473.5 / 11475 / 11476 HS
• Forfeiture of substances, property, or valuables	11470 HS
• Possession: Controlled substances.....	11350 / 11357 HS
• Science equipment for education	11473 / 11473.5 HS
Serialized property.....	537e PC
Silencer.....	12500 PC
Sniper scope.....	468 PC
Stun gun	12651 PC
Tear gas.....	12403.7 PC
Weapons	
• Commission of crime	1417.6 / 12028 PC
• Confiscate.....	12028 / 12029 PC
• Nuisance.....	12028 PC
• Prohibited persons.....	12021 / 12021.1 PC
• Prohibited weapons	12020 PC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Controlled Substances

Destruction

- Contraband as exhibit.....1417.6 PC
- Court order.....11474 HS
- Large quantities or dangerous substances11479 HS
- Property with conviction.....11473 HS
- Property without conviction.....11473.5 HS
- Transportation of exempt controlled substances.....66261.4 CR

Firearms or weapons 11370.1 HS / 11550(e) HS / 12021 PC

Forfeiture11470 HS

- Containers 11470(c) HS
- Currency 11470(f) HS
- Materials and equipment 11470(b) HS
- Science equipment: Division for schools11473(b) / 11473.5(b) HS
- Written materials, books, or information..... 11470(d) HS

Paraphernalia11364 HS

PCP (large quantity)11479.1 HS

Receipt for property taken 11488(b) HS

Seizure

- Plants.....11476 HS
- Recovery of expenses11470.1 HS
- Schedule 1 substances11475 HS
- Vehicles 11470(e) HS

Costs

Found Property

- Agency storage.....2080.1(b) / 2080.2 CC
- Publication notice..... 2080.3 CC

Controlled substances / Material seized: Recovery of expenses11470.1 HS

Restitution to agency 1203.1(d) PC

Vehicle

- Lien sale 3073 CC
- Recovery by lien holder (low value vehicle)22851.2 VC
- Recovery from lien sale 3074 CC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Counterfeiting

Destruction: Dies and plates.....480 PC

Court

Controlled substances (claim for third party interest in property seized) 11488.5 HS

Motion to return property or suppress evidence..... 1538.5 PC

Notification of court held property.....1417.7 / 1420 PC

Orders

- Destruction: Narcotics 11473.5 / 11474 HS

- Exhibits 1417 / 1417.1 PC

- Mental health restriction / Authorization Certificate for firearm 8103 WI

- Motion to challenge order: 10 days 1008 CP

- Search warrant 1536 PC

- Stolen or embezzled property.....1408 PC

Vehicle / Components seizure hearing.....10751 VC

Currency & Valuables**Abandoned / Unclaimed**

- Exhibits 1420 PC

- Found..... 2080 – 2080.3 CC

- Stolen.....1411 PC

Controlled substances

- Valuables seized upon conviction 11470 HS

- Disposition of proceeds from sale of forfeited property.....11489 HS

Declaration of Ownership

Stolen or embezzled property..... 1413(b) PC

Destruction/ Disposal**Controlled substances:**

- Controlled substances / Paraphernalia 11474 HS

- Large quantities or dangerous substances 11479 HS

- Without conviction..... 11473.5 HS

Counterfeiting dies, plates, etc.480 PC

Cremated remains (human).....7104 HS

Destructive devices.....12307 PC

TYPE OF PROPERTY / EVIDENCE	LEGAL CODE
Firearms.....	12032 PC
Lottery or gambling devices.....	335a PC
Machine guns	12251 PC
Obscene material.....	312 PC
PCP (large quantity)	11479.1 HS
Unclaimed property.....	2080.4 / 2080.6 CC
Vehicles / Components.....	10751 VC
Weapons	
• Nuisances	12028 / 12028.5(d) / 12029 PC
• Official use no longer needed.....	12030 PC
Discovery	
Effect of discovery	1054 PC
Exclusive means, procedures.....	1054.5 PC
Disposition	
Explosives.....	12355 HS
Found or saved.....	2080.6 CC
Funds	
• Sale of forfeited property	11489 HS
• Sale proceeds.....	11495 HS
Identification marks.....	1413 PC / 537e PC
Narcotics	
• Liens on seized property	11488.6 HS
• Property: Seized	11495 HS
• Property: Third party interest or forfeiture	11488.5 HS
Search warrant	1536 PC
Vehicle	
• Lien holder cost recovery	22851.12 VC
• Lien sale proceeds	3073 CC
• Low value.....	22851.10 / 22851.2 / 22851.8 VC
• Numbers removed	10751 VC
Weapons	
• Destruction requirements	12028(c) PC
• DOJ notification requirement.....	11108 / 11108.3 / 12030(e) PC

TYPE OF PROPERTY / EVIDENCE	LEGAL CODE
<ul style="list-style-type: none"> Firearms to Crime Lab 12030(b) PC Nuisances 12028 / 12029 PC 	
Diversion / Delivery	
Agency use	
<ul style="list-style-type: none"> Found or saved: Unclaimed..... 2080.4 / 2080.6 CC Stolen: Unclaimed..... 1411 PC Weapons <ul style="list-style-type: none"> Agency: Law enforcement use 12030(b) PC Firearms: Military use 12030(a) PC 	
Bicycles / Toys..... 217 WI	
Controlled substances	
<ul style="list-style-type: none"> Agency: Delivery to for destruction..... 11474 HS Forfeiture: Vehicles..... 11470(e) HS Science equipment: School use 11473(b) HS 	
Stolen / Embezzled property	
<ul style="list-style-type: none"> County Officer..... 1411 PC Owner 1408-1411 / 1413(b) PC Pawnbroker..... 1411 PC 	
DNA Evidence	
Post-conviction	
<ul style="list-style-type: none"> Disposal 1417.9(b) PC Retention 1405 PC / 1417.9(a) PC 	
Domestic Violence	
Liability: Officer (good faith actions) 12028.5(k) PC	
Weapons	
<ul style="list-style-type: none"> Court-ordered retention 6389(f) FC Disposal process 12028.5(i) PC Prior cases / Holding of evidence 1109(e) EC Receipt / Seizure) 12028.5(b) PC Stolen..... 12028.5(d) PC Time-frame for holding 12028.5(b) PC Unclaimed..... 12028.5(e) PC 	

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Embezzled Property

(See *Stolen Property*) 1407 – 1413 PC

Evidence

Admissibility: Relevant 350 / 351 EC

Defined 140 EC

Retaking: Illegal attempt to obtain evidence from officer 102 PC

Explosives

Disposal 12355 HS

Return: Petition 12353 / 12354 HS

Storage 12353 HS

Firearms

(See *Weapon*)

Found Property

Abandoned 2080.7 CC

Affidavit 2080.1 CC

Controlled substances / Paraphernalia 11473.5(a) HS

Firearms: Return to finder 12070(c)(2)(I) PC

Illegal appropriation: Known owner 485 PC

Public employee as finder 2080.3(b) CC

Requirements

- Advertisement:
 - Auction 2080.4 – 2080.6 CC
 - Value over \$250 2080.3(a) CC
- Legislative body: Adopted regulations 2080.4 CC
- Public agency: Adopted regulations 2080.6 CC
- Submission to agency 2080.1(a) CC

Restoration to owner 2080.2 CC

Serialized / Non-serialized property: Report to DOJ 11108 PC

Storage costs: Agency 2080.1(b) / 2080.2 CC

Gambling Devices

Antique slot machines 330.7 PC

Destruction / Notice of intent to destroy 335a PC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Hearings

Controlled substances

- Seized property.....11488.1 / 11488.5 HS
- Third-party interest11488.5 HS

Explosives.....12353 HS

Pawnbrokers / Second-hand dealers21647 BP

Stolen property1413(c) PC

Vehicles

- Lien sale3071 VC
- Low-valued22851.8VC
- Post-seizure.....10751 VC
- Storage22852 VC

Weapons

- Mental Health.....8102 / 8103 WI

Identification Numbers

Altered / Removed

- Property537e PC
- Vehicles / Components.....10751 VC

Requirements and notifications

- DOJ: Firearms
 - Destruction or agency retention.....12030(e) PC
 - Firearm history11108.3 PC
 - Sheriff: Release for academy training12030(d) PC

Serialized / Uniquely marked property.....11108 PC

- Notice to owner of stolen serialized property11108.5 PC

Inventory

Annual county property.....24051 GC

Liens*(See Vehicles)***Lottery Devices***(See Gambling Devices)*

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Mental Health

Weapons

- Hearing 8102 / 8103 WI
- Prohibition
 - Giving weapon to mental patient 8101 WI
 - Patient prohibition (5 years) 8103 WI

Money

(See Currency and Valuables)

Notices

Auction: Found, unclaimed, perishable, or saved property 2080.4 – 2080.6 CC

Controlled substances

- Sale of seized property 11488.6 HS
- Third-party interest in seized property 11488.5 HS

Firearms

- ATF: Trace of firearm used in crime 11108.3 PC
- Department of Health Services
- Firearm Injury Report (juvenile). 12088.5 PC
- DOJ
 - Agency recovery of firearms 11108 PC
 - Destruction / Retention of firearms 12030(e) PC
 - Firearm acquired by operations of law. 12078(c)(1) PC
 - Serial Number Restoration Plan 11108.9 PC
 - Sheriff: Use of weapons for academy / training (AFS) 12030(d) PC
- Owner: Notice prior to destruction of stolen 12028(f) PC

Found property

- Finder affidavit 2080.1(a) CC
- Value over \$250 2080.3(a) CC

Gambling devices 335a PC

Serialized / Uniquely marked property 11108 PC

- Notice to owner of stolen serialized property 11108.5 PC

7. Legal & Regulatory Issues

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Stolen / Embezzled property

- Owner: Return to identifiable owner1411 PC
- Ownership claim: Person from whom property was taken1413 PC
- Pawnbroker.....21647 BP

Vehicle

- DMV
 - Disposal of low-valued vehicle to dismantler.....22851.10 VC
 - Lien holder notification (low-valued vehicle).....22851.8 VC
 - Removal of low-valued vehicle22851.2 VC
 - Vehicle seizures / Impounds.....10751 VC
 - Vehicle storage: No owner notification22852 / 22853 VC
- Lien sale
 - Application 3071 CC
 - Value \$4000 or less 3072 CC

Nuisances

Destructive device 12307 PC

Firearms

- Unclaimed / Abandoned 12028.5(e) / 12032 PC
- Used in commission of crime: Upon conviction..... 12028(b) PC

Machine guns12251 PC

Weapons classified as nuisances.....12029 PC

Obscene Materials

Destruction upon conviction312 PC

Payment

Found property

- Finder: Cost of publication / Property over \$250 value 2080.3(a) CC
- Storage costs.....2080 / 2080.1(b) / 2080.2 CC

Pawnbroker: Cost recovery / Surrender of stolen property21647 BP

Photographs

Controlled substances

- Large quantities / Hazardous controlled substances..... 11479(b) HS
- PCP (large quantities) 11479.1(a)(2) HS

TYPE OF PROPERTY / EVIDENCE	LEGAL CODE
Exhibits	1417.7 PC
• Toxic / Hazardous exhibits introduced in court.....	1417.3(b) PC
Stolen / Embezzled: Notification upon release to owner	1413(b) PC
Records / Forms / Reports	
Controlled substances, materials, or property	
• Receipt requirement	11488 HS
• Large quantities / Hazardous (samples, photographs, court orders)	11479 / 11479.1 HS
Court clerk	
• Money: Unclaimed exhibits.....	1420 PC
• Photographic record of exhibits.....	1417.3(a) / 1417.7 PC
Firearms: Delivery to military	12030 PC
Found property: Receipt	2080.1 CC
Reports: Misdemeanors / Felonies: Notice to DOJ	11107 PC
Search warrant: Receipt	1535 PC
Serialized / Uniquely marked property: Notice to DOJ	11107 / 11108 PC
Stolen / Embezzled property	
• Photographic record	1413(b) PC
• Receipt to person property taken from	1412 PC
• Record of property	1413(a) PC
Vehicle	
• Storage: Notice to DOJ.....	22853 VC
• Lien: DMV prescribed forms	3067.1CC
• Lien satisfaction: Notice to DMV.....	22851.6 VC
Regulations	
Found or saved property: Public agency, regulations	2080.6 CC
Unclaimed property	
• Local legislative body: Regulations	2080.4 CC
• Public agency: Regulations	2080.6 CC
Release	
<i>(See Return and Release)</i>	
Reports	
<i>(See Records / Forms / Reports)</i>	

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Retention for Official Use

Firearms for official duties	12030 PC
Unclaimed Property	
• Exhibits	1417.5(b)(2) PC
– Currency	1420 PC
– Found.....	2080.4 / 2080.6 CC
– Stolen.....	1411 PC
• Uncontaminated science equipment for schools.....	11473(b) / 11473.5(b) HS

Return & Release

Controlled Substances	
• Lawfully possessed	11473.5(a) HS
• Seized property.....	11488.5 HS
Explosives.....	12353 / 12354 HS
Found property	2080.1 / 2080.2 CC
Motion to return property: Defendant.....	1538.5 PC
Pawnbroker	
• Claim to unclaimed stolen property	1411 PC
– Stolen property held.....	21647 BP
• Stolen / Embezzled property to owner	1408 / 1411 PC
– Declaration of ownership	1413(b) PC
• Vehicles	
– Impounded on hit and run investigation.....	22655 VC
– Owner's interest: Vehicle possessed by lienor	3071.5 CC
– Stored	22853 VC
Weapons	
• Mental health hold	8102 / 8103 WI
• Stolen weapon: Notification to owner prior to destruction	12028(f) PC
• Used in crime without owner's knowledge	12028(c) PC

Safekeeping

Receipt / Retrieval instructions.	2080.10(2) CC
Responsibilities of public agency.....	2080.10 CC
Serialized property (except firearms): Notice to DOJ not required.....	11108 PC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Sale

Auction: Found, unclaimed, perishable, or saved property	2080.4 – 2080.6 CC
Controlled substances forfeiture property	
• Sale and distribution of proceeds from sale	11489 / 11495 HS
• Third-party interest	11488.5 / 11488.6 HS
Exhibits: Disposition.....	1417.5 PC
Found / Saved: Unclaimed	2080.4 / 2080.6 CC
• Advertisement	
– Auction	2080.4 – 2080.6 CC
– Value over \$250.....	2080.3(a) CC
• Legislative body: Adopted regulations.....	2080.4 CC
• Perishables	2080.5(1) CC
• Public agency: Adopted regulations	2080.6 CC
• Public employee: Finder	2080.3(b) CC
Stolen / Embezzled: Unclaimed.....	1411 PC
Vehicle	
Identification number altered or removed	10751 VC
Lien sale	
– Application	3071 CC
– Cost recovery by lien holder	22851.2 VC
– Lien sale proceeds.....	3073 CC
– Recovery from lien sale	3074 CC
– Vehicle value \$4000 or less.....	3072 CC
Weapons.....	12028(c) PC

Stolen / Embezzled Property

Agency use of unclaimed	1411 PC
Disposition	1407 PC
Pawnbroker	
• Claim to unclaimed stolen property	1411 PC
• Stolen property held	21647 BP

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Return to owner

- Declaration of ownership / Photographs requirement 1413(b) PC
- Ownership claim: Person from whom property was taken 1413 PC
- Photographic record 1413(b) PC
- Property in custody of court..... 1409 PC
- Property not in custody of court..... 1408 PC
- Return by order of the court..... 1410 PC

Receipt to person property taken from 1412 PC

Record of property 1413(a) PC

Sale of unclaimed 1411 PC

Serialized property: Notice to owner..... 11108.5 PC

Weapons

- Destruction of stolen weapons 12028(d) / 12032 PC
- Return to owner 12028(c) / 12028(f) / 12028.5(c) PC

Storage

Explosives: Return of seized 12353 / 12354 HS

Found property: Reasonable costs paid for storage 2080/2080.1(b) / 2080.2 CC

Stolen / Embezzled: Costs for storage 1408 / 1409 / 1411 PC

Vehicles 22850 – 22854 VC

Time Requirement

Controlled substances

- Affidavit with court: Large quantities / Dangerous substances destruction 11479 HS
- Affidavit with court: PCP (large quantity) 11479.1 HS
- Claimant on forfeiture property seized 11488.5 HS
- Return of seized property / Non-forfeiture 11488.2 HS

Currency: Possession of District Attorney or Court Clerk..... 1420 PC

DOJ reports 11107 / 11108 PC

Exhibits

- Disposition 1417.1 / 1417.5 / 1417.7 PC
- Instruments used in the commission of crime 1417.6 PC

Explosives: Return to petitioner..... 12353 / 12354 HS

TYPE OF PROPERTY / EVIDENCE	LEGAL CODE
Found property	2080.2 – 2080.6 CC
• Founder claim	2080.3 CC
• Owner	2080.2 CC
Gambling devices: Destruction	335(a) PC
Inventory: County property	24051 GC
Mental Health	
• Hearing for weapon destruction	8102 WI
• Prohibition for committed persons	8103 WI
Motion by defendant to return property	1538.5 PC
Pawnbroker: Property hold placed by agency	21647 BP
Sexual assault evidence (statute of limitations)	803(h) PC
Stolen or embezzled property	
• Notice of claim: Person from whom property was taken	1413 PC
• Unclaimed: Notification to owner	1411 PC
Vehicles (<i>See Vehicles: Controlled Substances</i>)	
Weapon	
• Convicted felon	12021(a)(1) PC
• Convicted of certain misdemeanors	12021(c)(1) PC
• Destruction: Unclaimed firearm	12032 PC
• Domestic violence	
– Petition for holding by agency	12028.5(f) PC
– Temporary holding by agency	12028.5(b) PC
– Unclaimed	12028.5(e) PC
• Nuisances	12028 PC
Toys / Bicycles	
Unclaimed: Use in programs to prevent juvenile delinquency	217 WI
Unclaimed Property	
Bicycles / Toys	217 WI
Exhibits	1417.5(b)(2) PC
• Currency	1420 PC
Found	2080.4 / 2080.6 CC
Stolen	1411 PC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Vehicles

Controlled Substances

- Forfeiture hearing on vehicles used to transport 11488.5 HS
- Return of property 11488.2 HS
- Seizure of vehicle used in narcotics crime 11470(e) HS

Identification number altered or removed 10751 VC

Impound: Hit and run investigation 22655 / 22655.5 VC

Liens

- Application for sale 3071 CC
- Lien holder cost recovery 22851.12 VC
- Lien sale: Proceeds 3073 CC
- Lien satisfaction: Notice to DMV 22851.6 VC
- Lien holder notification (low-valued vehicle) 22851.8 VC
- Loss through trick, fraud, or device 22852.5 VC / 3070 CC
- Notice to DMV 3067.1 CC
- Recovery by lien holder (low-valued vehicle) 22851.2 VC
- Recovery from lien sale 3074 CC
- Service 3068 CC
- Vehicle value \$4000 or less 3072 CC
- Vehicle storage 22852 VC
 - No owner notification 22853 VC

Low-valued vehicle

- Disposal to dismantler 22851.10 VC
 - Disposition 22851.2 / 22851.8 VC
 - Notice to DOJ of removal 22851.2 VC
- Mobile homes: Non-applicable 3067.2 CC
- Owner's interest: Vehicle possessed by lienor 3071.5 CC
- Storage
 - Notice to DOJ 22853 VC
 - Notice to owner 22852 VC

Video/Digital Media

Mobile video system tapes 34090.6 GC

Video Digital Media 1550 / 1553 EC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Weapons

Assault weapons.....	12280 PC
Delivery	
• Lawful owner.....	12028(c) / 12028(f) PC
• Military agency.....	12030 PC
Destruction / Sale / Preservation	12028 PC
• Destructive devices	12307 PC
• Field in criminal action	12032 PC
• Machine guns	12251 PC
• Nuisances	12029 PC
Domestic violence	
• Conviction	12021(c)(1) PC
• Federal Laws	18[921(a)(33)(A) / 922(d)(9) / 922(g)(9) / 925(a)(1)] US
• Firearms storage fees.	6389(e) FC
• Petition for destruction.	12028.5(f) PC
• Relinquish firearms.	6389(c) FC
• Restraining orders	12021(g) PC
Eligibility: Personal firearms eligibility certificate.	12077.5 PC
Exhibit: Use in commission of crime.....	1417.6 PC
Found firearms	
• Return to finder.	12070(c)(1)(I) PC
• DOJ notification.	11108 PC
Identification mark / Serial number: Assigned by DOJ.....	12092 PC
• Serial Number Restoration Plan	11108.9 PC
Mental health	
• Prohibition and return	8100 – 8103 WI
Minors	
• BB guns	12552 PC
• Sale of firearms.....	12551 PC
Notification	
• ATF: Trace firearm used in crime (crime gun).....	11108.3 PC
• DOJ for firearm used in crime.....	11108 PC
• Retention or destruction	12030 PC

TYPE OF PROPERTY / EVIDENCE

LEGAL CODE

Retention

- Certification.....12029 / 12072 PC
 - Official use12030 PC
- Sale.....12028 PC

Short-barreled shotguns / Rifles: Permit for use as props.....12095 PC

Transfer of firearm from prohibited person.12021(d)(2) PC

Unclaimed firearms: Disposition 12028.5(d) / 12032 PC

Violent use of firearm: Offenses12001.6 PC

LOCAL ORDINANCES

Medical Waste Management Act 1990

The California Health and Safety Code ([117605](#)) allows local ordinances to regulate infectious waste, providing the ordinances meet or exceed the state regulations to ensure statewide standards. Each agency should research their county agencies in order to be sure of compliance with the most aggressive set of standards. For example, the Contra Costa County medical waste management procedure shown below is almost verbatim of what the state act dictates as its minimum standards:

STATE ACT**Chapter 9, Section 118280(d)(1)**

Except as provided in paragraph (5), a person generating 20 or more pounds of medical waste per month shall comply with the following requirements:

- a. If the person generates 20 or more pounds of biohazardous waste per month, the person shall not contain or store biohazardous or sharps waste above 0 degrees Centigrade (32 degrees Fahrenheit) at any onsite location for more than seven days without obtaining prior written approval of the enforcement agency.
- b. If a person generates less than 20 pounds of biohazardous waste per month, the person shall not contain or store biohazardous waste above 0 degrees Centigrade (32 degrees Fahrenheit) at any onsite location for more than 30 days.

Property/evidence officers should consider that material associated with potential biohazard(s) (e.g., homicide evidence, rape kits, etc.) *are, in general, not considered to be “medical waste” except when it comes to disposal of the material.*

Agency policy regarding disposal of biohazard/medical evidence and property should reflect the need to utilize an approved medical waste disposal contractor or facility.

AGENCY POLICIES

Many of the Penal or Civil codes property/evidence controllers use every day are very generic in their coverage. Because of the nature of creating state legislation, laws must cover the widest scope with few specifics. The agency must then evaluate the laws and how they impact their ability to serve their citizens and fill in the gray areas with agency policies.

A gray area is perishable foods. Frequently, perishable foods and alcohol are part of the safekeeping property when an agency arrests a person. Nowhere in statute is it clearly spelled out as to what the agency does with the perishable foods and alcohol. The agency would evaluate the problem, how much of an impact this is on their department, health and safety issues for their employees, and the rights of the citizen. These concerns would be balanced and the agency would decide how it would handle food and alcohol in the future.

EXAMPLE 1

Anytown Police Department
Property & Evidence Manual

Chapter 3

Section II: Checking in Property/Evidence

Officer Responsibility:

A.5. All perishables (food, candy, liquids including alcohol) with NO evidentiary value shall be disposed of by the collecting officer.

If the agency does not feel it has the authority to make a policy, it may consider appealing to its city attorney or county counsel and request that a municipal/county regulation be created allowing the agency to handle the perishable property as they believe appropriate.

Consideration should be given to the release or retention of medication (e.g., open containers of medication held for safekeeping). The disposal of these medications may cause a financial hardship to

7. Legal & Regulatory Issues

the owner. The agency may have concerns of liability risk (e.g., tampering) upon return. A liability waiver may be utilized to alleviate these concerns. Consult with your city attorney or county counsel for specific direction.

Another area where individual agencies have made a policy is in the area of found property; specifically found firearms. The Civil Code make no differentiation between a found bicycle and a found firearm. The Penal Code does make allowance for return of a firearm to a finder; however, most agencies destroy these weapons. The agency may want to review its obligations per statute and possible liabilities before making a decision.

EXAMPLE 2

Anytown Police Department
Property & Evidence Manual

Chapter 4
Section D: Disposition Instructions

- 1b. The owner will be given 90 days to prove ownership and claim the property.
 1. If the property is not claimed, it may be offered to the finder (unless the finder is a City employee). The claimant will be given 10 working days to claim the property.

Exception: Found firearms will be destroyed.

EXAMPLE 3

River City Police Department
Property & Evidence Control Manual

Chapter 7
Packaging, Storage, and Disposal of Property/Evidence

Disposal of Weapons:

- Found/abandoned firearms will not be released to finder. Found firearms are destroyed per Sections 12028, 12029, and 12030 of the California Penal Code.

There are many areas where an agency must fine-tune the codes to be more appropriate to their citizens' standards and expectations.

Photo and Release

In special circumstances, photos may be taken in the field and the property/evidence released to the owner. This can be accomplished if the victim is present, or is able to respond to the scene in a timely manner, and a department employee is available to take the photo. The victim should be advised to preserve the evidence for court. The photo is then booked as evidence per department policy. The evidence should not be photographed and released if it is a firearm; was used in the commission of a crime; is illegal to possess; is related to rape, homicide, or deaths involving suspicious circumstances; was seized in a search warrant; must be processed for prints or the crime lab; or was recovered for an allied agency.

If the victim cannot be located or cannot arrive at the scene in a timely manner, photos may be taken at the property/evidence section and the property/evidence released to the owner. When photographing and releasing evidence, department policy or instructions from the district attorney's office should be followed (e.g., declaration of ownership requirement, photographing serial numbers or other unique or distinguishing characteristics, compliance with [1413 PC](#), etc.).

TRENDS

At the time of this writing, several trends are impacting the property function. These include:

- *Cellular Phones* – Identifying ownership can be difficult as cellular phone companies cannot divulge owner information. The onset of digital cellular service has greatly reduced the occurrence of cellular phone fraud/cloning. In addition, the resale value of used cellular phones does not warrant their auction. Agencies may choose to either destroy or donate phones to non-profit programs (e.g., domestic violence programs, seniors, etc.) for their 9-1-1 capabilities.
- *Computer Equipment* – Property/evidence rooms are receiving increasing quantities of computer equipment which requires special handling, storage, and release procedures.
- *Multi-Agency Task Forces* – Property/evidence sections may find that outside agencies are booking evidence into their agency. There should be standardized training and guidelines.

7. Legal & Regulatory Issues

- *Syringe Storage* – Many jurisdictions allow agencies to photograph and dispose of syringes that are booked in [4140 BP](#) and other cases.
- *Biological Evidence (DNA)* – Biological evidence is increasingly being used to resolve criminal cases. Recent legislation has drastically impacted storage and retention of biological evidence. (Refer to [Appendix C](#) for more information on DNA evidence.)
- *Crime Scene Investigation* – Increasingly, property/evidence personnel are becoming trained as crime scene investigators to assist in the processing of evidence directly at the scene.
- *Regional Standardization of Policies and Procedures* – Individual agencies are working together and with county agencies (e.g., DA's office, crime lab, etc.) to create standardized policies and procedures within the local or regional area.
- *Digital Evidence* – Many agencies are transitioning from audio, video, and photographic evidence to CDs, DVDs, and digital photos.

The major concerns and potential resolutions could be:

- Legitimacy of the digital evidence (computerized enhancements). Resolution: Suggested use of software which retains history of alterations.
- Digital enlargements lack the clarity/detail of 35 mm resolution. Resolution: Use a camera setting of 3.3 or greater megapixels.
- Video imaging may be edited. Resolution: Suggested use of software which retains history of alterations.

The major benefits are:

- Time saving/cost of labor.
- Cost of media.
- Durability: Can be retained for 50+ years.
- Storage space savings.
- Ability to redact and edit.

Considerations for converting to digital evidence include:

- Equipment and software (dual-format software available).
- File formats (TIF vs. JPG) (WAV vs. MP3).

- Multiple agency use (uniformity).
- Identification of evidence (pre-stenciled vs. ink).
- Degradation of evidence (forensic photos should use uncompressed file for quality enlargement).
- Duplication (speed, equipment, batch jobs).



POST

8.

Automation

AUTOMATION OF PROPERTY & EVIDENCE

Careful consideration should be given to the automation of any law enforcement application, especially the property and evidence operation. In some instances, it may not be necessary or cost effective to automate. If transactions are few and are generally handled as a collateral duty, a “paper system” may be the most effective manner in which to conduct business. Keep in mind, with increased technology demand, automated systems have become more affordable.

Existing and future automated evidence systems must maintain the chain of evidence and ensure system integrity. At a minimum, systems should provide the following:

- The capability for both electronic and paper chain of evidence.
- One-time data entry into the system for both property and evidence items.
- Cash management relative to property and evidence.
- Management of “special/sensitive items.”
- Bar coding of all items/containers and storage locations.
- Tracking of items within a facility or department.
- Tracking of all transactions including to courts/labs.
- System security.

PRECAUTIONS

Law enforcement agencies throughout the country have attempted to implement RMS/CAD/evidence tracking systems with minimal success. Vendors of RMS/CAD systems traditionally overstate their property/evidence program capabilities. The RMS/CAD vendor's primary focus is to provide a functional RMS/CAD system. All too often, the property/ evidence room module is an afterthought and property/evidence room personnel generally end up with a less-than-adequate system. An inadequately designed property/evidence module can severely stress resources. It may be unable to produce necessary information and capture required data due to its inflexibility. More often than not, it has been found that stand-alone systems within the property/evidence room can be more efficient than those of an integrated system in meeting the needs of the agency.

Any automated system is susceptible to failure or "crashing." It is imperative that the system, regardless of size, have a backup plan. The plan must include an un-interruptible power supply, a daily system backup, maintenance of backup disks off site or in a fireproof environment, and a plan for the manual operation of the property and evidence operation in the event of total electrical or system failure.

It is necessary to identify a system administrator and to provide adequate training for the capture of accurate data. The importance of accurate data input and data update cannot be stressed enough, especially since the system is only as good as the data itself.

COMPUTER SECURITY

Complete system integrity is essential. Each system user should have predetermined access levels (security levels) based on need. The following levels are suggested:

- High access level for the system administrator and/or system alternate. The system administrator, in conjunction with the Property and Evidence Administrator, determines the subsequent level for all users.
- Medium access levels to allow the user to view, enter data, modify records, run reports, and perform basic database maintenance. An example for this category would be the property and evidence controller, evidence technician, or supporting clerical personnel.
- Low access levels to allow the users to view records for official use only, with selected reporting functions.

Additionally, each transaction relative to any existing data must be recorded to maintain the evidence chain. It is necessary to ensure that once data is captured in the evidence system, the complete record cannot be deleted — only modified. The record(s) should show the original record data (history) somewhere in the system. Moreover, the system should track information on changes made, the date(s) of the change, and who made the change. It is suggested that all police servers be located within the police facility and maintained by backgrounded IT or IS personnel.

REPORTING CAPABILITIES

The reporting function of the automated system should be able to provide information relative to active cases, long-term cases such as homicides, and inactive or “archived” cases; cross-reference principle and secondary case numbers or identifiers; and provide standard reports as well as allow for ad-hoc reporting. On-line searches and reporting should be available by criteria such as:

- Name
- Case number /control number
- Crime code (211 PC, etc.)
- Evidence or property type (found, safekeeping, etc.)
- Category (Firearm, Narcotics, Currency, Bicycles / Toys, etc.)
- Cumulative total of currency
- Brand
- Model
- Serial number
- Storage location
- Reporting officer(s) / investigating officer(s)
- Report or event date
- Disposition
- Disposal date
- Review date
- Keyword

It is recommended that any system involved with the property and evidence operation at minimum capture the data required by the existing State system (e.g., Department of Justice’s Automated Firearms System, et al.).

BAR CODING

Bar coding refers to any number of codes comprised of a series of wide and narrow, alternating black and white stripes which are created to encode a numeric alpha value. The ability to electronically gather data via a scanner results in increased accuracy and decreases the need for manual data entry. Serious consideration should be given to the addition of bar coding to existing automated systems. It should be mandatory for any new system.

The bar code system must be capable of performing the reporting functions that are required in the property and evidence operation. This component should allow for:

- Data collection programs for portable terminals
- Downloading validation files to portable terminals
- Validation against the host system (database)
- Password security
- On-demand label printing
- Menus or templates for repetitive functions
- Cross-referencing multiple identification numbers
- Receiving and updating data
- Human readable component for bar-coded data
- Inventory capabilities
- Exception reports
- Recording, dating, and time-stamping all transactions, including employee number
- Bulk processing
- Paperless property entry for sworn and civilian personnel

MODEL SYSTEM

A model system can vary depending on the size and local regulations of the law enforcement agency. A system may consist of one stand-alone personal computer with a bar-coding component or may be on a wide-area network consisting of numerous work stations with bar coding. The system architecture should be such that interfacing with existing or planned systems can be accomplished without great difficulty.

Any system should maintain total system integrity, have strict security access levels, maintain a complete history of captured data and provide the flexibility to report on selected criteria for the purposes of investigations and dispositions. If the automated system of choice meets the needs of the agency without compromising integrity, then the system is acceptable.